

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2015

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.26007 of 2015
and M.P.No.1 of 2015

C.Parayeeram

Petitioner

...
- Vs -

1.The Junior Engineer
O&M/TANGEDCO,
Onnupuram Village/Arani Taluk,
Thiruvannamalai District.

2.The Additional Divisional Engineer,
Tamil Nadu Electricity Board,
Kannamangalam Coot Road,
Kaniambadi Village & Taluk,
Thiruvannamalai District.

3.State rep.by
The Divisional Engineer,
Tamil Nadu Electricity Board
Arani - Polur Road,
Saidapet, Arani Taluk,
Thiruvannamalai District.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Vengaivasal,
Thiruvannamalai District.

5.S.Venkatraman

6.The Revenue Divisional Officer,
Cheyyar Division, Cheyyar,
Tiruvannamalai District.

(6th respondent impleaded as per
order of this court dated 29.10.2015)

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from shifting the service connection No.117 from the

common well in Survey No.212/6C to the borewell in Survey No.212/6B.

For Petitioner : Mr.R.Margabandhu

For Respondents: Mr.M.Varunkumar
for R1 to R4.
Mr.T.Surendran for R5
Mr.V.Jayaprakash Narayanan
for R6.

O R D E R

The petitioner contends that he is one of the co-owner of the property comprised in Survey No.212/6A, 212/6B, 212/6C and 212/6D with open well and electricity service connection alongwith the 5th respondent and another. The electricity service connection to the common well in Survey No.212/6C was standing in the name of the 5th respondent's father Subramani. Even after the death of the Subramani, there is no name change in the electricity service connection. However, without notice to the petitioner, the 5th respondent applied and got transfer of electricity service connection in his name. After coming to know about the same, the petitioner issued notice to the 5th respondent on 05.02.2015 and filed W.P.No.7309 of 2015 questioning the patta granted in faovur of the 5th respondent in respect of the land without notice to the petitioner. The said writ petition was disposed of by this Court on 16.03.2015 directing the Revenue Divisional Officer, Tiruvannamalai District to conduct enquiry and decide the matter with regard to issue of patta, within a period of four weeks therefrom.

2. According to the petitioner, the enquiry is going on, however, without notice to the petitioner, the 5th respondent filed W.P. No.25094 of 2015 and obtained an order for shifting of electricity service connection bearing SC No.231/015-117 from common well in Survey No.212/6C standing in the name of his father to the new bore well in Survey No.212/6B. Therefore, the petitioner is before this court seeking writ of mandamus forbearing the respondents from shifting the service connection from common well to 5th respondent's bore well.

3. Heard Mr.Margabandhu, learned counsel for the petitioner, Mr.M.Varunkumar, learned counsel appearing for respondents 1 to 4 and Mr.T.Surendran, learned counsel appearing for the fifth respondent.

4. The 5th respondent herein has filed W.P.No.25094 of 2015 without making the petitioner as a party and obtained order on 13.08.2015 for shifting the electricity service connection from common well to his new bore well. The petitioner cannot get the

order without making the proper parties as a party and therefore the order dt.13.08.2015 is recalled and the same is dismissed. W.P.No.7309 of 2015 filed by the petitioner herein was disposed of by this court on 16.03.2015 with a direction to the Revenue Divisional Officer, Cheyyar Division, Cheyyar, Tiruvannamalai District to decide about granting of patta in favour of the 5th respondent against which the enquiry is being conducted.

5. When the main issue with regard to issue of patta for the property is pending before the Revenue Divisional Officer, it may not be appropriate to direct the respondents to shift the electricity service connection in the meanwhile. Since the Revenue Divisional Officer is not a party in this case, this court, suo moto impleads the Revenue Divisional Officer, Cheyyar Division, Cheyyar, Tiruvannamalai District as the sixth respondent and Mr.V.Jayaprakash Natarayan accepts notice for the newly impleaded sixth respondent.

6. The newly impleaded sixth respondent is directed to conduct enquiry in this regard and call for appropriate report from the Asst. Engineer, Tamil Nadu Electricity Board, Onnupuram Village, Arani Taluk, Tiruvannamalai District and after hearing all the parties, pass appropriate orders, on considering all the documents, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is stated that the enquiry is pending before the Revenue Divisional Officer, the 6th respondent herein. The order to be passed by the sixth respondent alone would decide the issue and depending upon the order to be passed by the sixth respondent, the parties can take appropriate proceedings either for shifting of the electricity service connection or to challenge the order passed by the sixth respondent.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CS. VII)

/true copy/

Sub Asst. Registrar

rggr

To

1.The Junior Engineer
O&M/TANGEDCO,
Onnupuram Village/Arani Taluk,
Thiruvannamalai District.

2.The Additional Divisional Engineer,
Tamil Nadu Electricity Board,
Kannamangalam Coot Road,
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3.The Divisional Engineer,
Tamil Nadu Electricity Board
Arani - Polur Road,
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4.The Superintending Engineer,
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Vengaivasal,
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5.The Revenue Divisional Officer,
Cheyyar Division, Cheyyar,
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TEJ (CO)
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सत्यमेव जयते

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