

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1484 of 2010

K.Prabakaran

.. Petitioner

Versus

1. The Executive Engineer (Operation & Maintenance)
Tamil Nadu Electricity Board
Paramathi Vellur,
Namakkal District.

2. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity Board
Solasingam
Namakkal District.

3. Karuppana Gounder

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari Mandamus, to call for the records in respect of the proceedings of the second respondent herein dated 25.11.2009 in Ka.No.U.PO/O & M/SO.Mani/ SO.Katu/A.No.167/09-10 and quash the same, consequently, direct the first respondent to transfer the electricity service connection Registration No.DE/JPM/A-83/88-89 in the name of the petitioner herein and shift the same to Survey No.285/4 A of Nallagoundampalayam Village, Namakkal District.

For Petitioner :Mr.R.Nalliyappan

For Respondents :Mr.S.K.Raameshuwar - R1 & R2

Standing Counsel

Mr.I.C.Vasudevan - R3

O R D E R

Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner, Mr.S.K.Raameshuwar, learned Standing Counsel appearing for the respondents 1 & 2 and Mr.I.C.Vasudevan, learned Counsel appearing for the third respondent and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.This Writ Petition has been filed for quashing the proceedings of the second respondent dated 25.11.2009. By the said order, the petitioner's request for transferring the electricity service connection to an existing well in Survey No.285/4A was rejected on the ground that he has sold major extent of the property with the Well and the service connection to the third respondent.

3.The total extent of the property in Survey No.285/4 is 3.52 acres and retaining the extent of 27 cents, the petitioner sold the remaining area of 3.23 acres to the third respondent. The respondent Board conducted an inspection of the property in question and stated that the property has been sold along with the Well and not the service connection. Therefore, another inspection was conducted on 20.07.2013, and additional counter affidavit has been filed on 22.07.2013, stating that there is no Open Well or Bore Well.

4.Therefore, at this juncture, the impugned order cannot be interfered with and accordingly, the Writ Petition is dismissed. However, if the case of the petitioner is that he has not sold the Well or Bore Well or the Service Connection while selling the property, it is open to him to establish the same before the appropriate forum. No costs.

rpa

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Executive Engineer (Operation & Maintenance)
Tamil Nadu Electricity Board
Paramathi Vellur,
Namakkal District.
2. The Assistant Engineer
(Operation & Maintenance)
Tamil Nadu Electricity Board
Solasiramani
Namakkal District.

+ 1 cc to Mr.S.K.Rameshuwar, Advocate, SR 20828
+ 1 cc to Mr.R.Nalliyappan, Advocate, SR 20783

sv(co)
prk13/4

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