

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.6742 of 2016 &
W.M.P.No.6011 of 2016

Soundammal

[PETITIONER]

Vs

1 The Junior Engineer
Tamil Nadu Electricity Generation and
Distribution Company
(TANGEDCO)
Coimbatore Electricity
Distribution Taluk South
Thamaraikulam 642 109. [RESPONDENT]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for records from the respondent leading to pass the impugned order dt 15.12.2015 in letter No. JE/Thamaraikulam/file/15 and quash the same and consequently direct the respondent to transfer the electricity service connection No. 35600145 from Survey No. 39/1 to Survey No. 38/1 in Nallatipalayam Village, Pollachi.

For Petitioner : Mr.N.C.Ashok Kumar

For Respondent : Mr.S.K.Raameshuwar
Standing Counsel

O R D E R

Heard Mr.N.C.Ashok Kumar, learned Counsel appearing for the petitioner and Mr.S.K.Raameshuwar, learned Standing Counsel accepting notice for the respondent. By consent of the learned counsel, the Writ Petition is taken up for final disposal.

2.The petitioner seeks for quashing the impugned proceedings dated 15.12.2015 and to transfer the electricity service connection bearing No.35600145 from Survey No.39/1 to Survey No.38/1 in Nallatipalayam Village, Pollachi. The respondent has rejected the petitioner's request on the ground that he is no longer the owner of the property in Survey No.39/1.

3.The petitioner produced a copy of the Exchange Deed, by which he exchanged the property with another property, however, the petitioner has retained his right over the service connection and the same has not been conveyed, transferred or in any manner assigned to the settlee. Further, the petitioner would refer to the report of the Junior Engineer, TANGEDCO, CEDC/SOUTH, Tamaraikulam, dated 18.06.2015, to show that there is dryness in the existing well and the water level is good in the proposed well.

4.When the Writ Petition came up for admission on 24.02.2016, the learned counsel for the respondent accepted notice for the respondent and sought time to get instructions.

5.During the pendency of the matter before this Court, another development has taken place by which the petitioner has obtained 'No Objection Certificate' from the present owner of the property in whose favour the petitioner had settled the property. The said document has also been placed before this Court for consideration. In the light of the above, the respondent should reconsider the matter by taking a fresh look at the documents to be placed by the petitioner before him.

6.Accordingly, the Writ Petition is allowed, the impugned order is quashed and the matter is remanded to the respondent, who shall take note of all facts including the 'No objection Certificate' given by the settlee and the respondent is directed to proceed in accordance with the relevant regulations and take a final decision in the matter, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1 The Junior Engineer
Tamil Nadu Electricity Generation and
Distribution Company
(TANGEDCO) Coimbatore Electricity
Distribution Taluk South
Thamaraikulam 642 109.

+1cc to Mr.S.K. Raameshuwar, Advocate, S.R.No.13382

+1cc to Mr.C. Jagadish, Advocate, S.R.No.13192

KJI (CO)

EU(/01/2016)

W.P.No.6742 of 2016