

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.17851 of 2017

and

W.M.P.No.19387 of 2017

A.V.Mylsamy

... Petitioner

.. Vs ..

1.The Tamil Nadu Generation & Distribution Corporation
rep. by the Executive Engineer (O&M),
Angalakurichi Sub Station,
Pollachi,
Coimbatore District-642 001.

2.Tamil Nadu Generation & Distribution Corporation
rep. by the Assistant Engineer,
Devanampudur West,
Devanampudur Post,
Pollachi Taluk,
Coimbatore District-642 207.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioner to draw water from the Ring Well dug by the petitioner in Survey No.107/1 at Arthanaripalayam Village, Pollachi Taluk, Coimbatore District, with the help of the agricultural Electricity Service Connection No.504 to irrigate the petitioner's land in Survey No.108 at Arthanaripalayam Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.K.Rameshwar
Standing Counsel

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, forbearing the respondents from preventing the petitioner to draw water from the Ring Well dug by the petitioner in Survey No.107/1 at Arthanaripalayam Village,

Pollachi Taluk, Coimbatore District, with the help of the agricultural Electricity Service Connection No.504 to irrigate the petitioner's land in Survey No.108 at Arthanaripalayam Village, Pollachi Taluk, Coimbatore District.

2.It is the case of the petitioner that during the year 1991, the respondents sanctioned agricultural electricity service connection to the petitioner's land in Survey No.108. On 24.03.1992, the respondents transferred the Electricity Service Connection No.504 in favour of the petitioner from the name of his mother. It is also the case of the petitioner that he has planted more than 800 coconut saplings in Survey No.108 in the year 1992 and with the help of the water drawn from the Ring Well, now he has grown 800 coconut trees.

3.Further, the case of the petitioner is that the 2nd respondent orally informed the petitioner that his neighbour has recently laid an overhead electric cable between the Ring Well and his land and it is endanger their cattle and therefore, the 2nd respondent is proceeding to disconnect the Electricity Service Connection. According to the petitioner, he has not laid any overhead electric line as stated by the 2nd respondent.

4.The respondents 1 and 2 filed their counter wherein at Para 12, they have stated that the agricultural Electricity Service Connection No.504 was effected by the TANGEDCO for the well situated at Survey No.108, Arthanaripalayam Village only. The Electricity Service Connection No.504 cannot be extended to any other location without proper approval of the TANGEDCO.

5.The learned counsel appearing for the petitioner submitted that the petitioner is willing to give an application seeking for approval before the 1st respondent and in the event the petitioner makes an application, the 1st respondent may consider and pass orders in accordance with law.

6.Mr.S.K.Rameshwar, learned Standing counsel appearing for the respondents submitted that if an application is presented before 1st respondent, the same will be considered in accordance with law.

7.I have heard the learned counsel appearing on either side.

8.I give liberty to the petitioner to submit an application seeking for extension of Electricity Service Connection No.504 to the 1st respondent and on receipt of the same, the 1st respondent shall consider the same and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of the application.

With these observations, this Writ Petition is disposed of.
No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mps

To

- 1.The Executive Engineer (O & M),
Tamil Nadu Generation & Distribution Corporation
Angalakurichi Sub Station,
Pollachi,
Coimbatore District-642 001.
- 2.The Assistant Engineer,
Tamil Nadu Generation & Distribution Corporation
Devanampudur West,
Devanampudur Post,
Pollachi Taluk,
Coimbatore District-642 207.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.56990
+1cc to Mr.S.K.Rameshwar, Advocate, S.R.No.56830

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MG(CO)
CA(08/08/2017)

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