

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.25021 of 2016
& W.M.P.No.21441 of 2016

C.Boopathi

...Petitioner

Vs.

- 1 The Chairman
Tamilnadu Electricity Board
800, Anna Salai
Chennai-600 003.
- 2 The Executive Engineer
Operation and Maintenance, Tamil Nadu
Generation & Distribution Corporation Ltd.
Sankari-636 301, Salem District.
- 3 The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation
Ltd., Sankari West Division,
Sankari -636 301 Salem District.
- 4 The Assistant Engineer
Operation and Maintenance, Tamil Nadu
Generation and Distribution Corporation Ltd.
Veppadai-I-638 008 Tiruchengode Taluk
Namakkal District.
- 5 C.Palanisamy
S/o.Late.Chinna Gounder, 99 Patharai
Sowthapuram Post, Pallipalayam Agraharam
Village, Tiruchengode Taluk,
Namakkal District.
- 6 The Tahsildar
Tiruchengode.
(R-6 is suo-motu impleaded as
per Order dated: 26.08.2016 by N.K.K.J.
in WP.25021 of 2016)

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order made in Lr.No.AE/O&M/Ve-I/ File-Va.Va/No.95-1/16-17 dated 16.04.2016 passed by the 4th respondent, quash the same and consequently direct the respondents 2 to 4 to grant electricity service connection for agricultural purpose to the petitioners well in S.No.434/22 Patharai Pallipalayam Agraharam Village, Tiruchengode Taluk, Namakkal District, by considering his application dated 31.03.1997 registered in Serial No.455/96-97.

For Petitioner .. Mr.N.Manokaran
For Respondents .. Mr.P.Valliappan for R5

Mr.S.Diwakar,
Special Government Pleader for R6

No appearance for R1 to R4

ORDER

The petitioner sought for service connection to his Well. He has complied with all the requirements. However, the request of the petitioner was rejected by the impugned order dated 16.04.2016 by the fourth respondent on the premise that the original suit in O.S.No.252 of 2015 has been filed by the private respondent viz., the fifth respondent and therefore, the request of the petitioner can only be considered after disposal of the suit.

2. This Court, while impleading the Tahsildar, Tiruchengode, as sixth respondent, has issued a direction to measure the Well of the petitioner and fix the boundary between S.No.434/22 belonging to the petitioner and S.No.433/3B belonging to the fifth respondent. The Tahsildar, Kumarapalayam, Namakkal District, has filed a report. It has been addressed to the Special Government Pleader, which indicates that the Well is located in Survey No.434/22, which belongs to the petitioner.

3. The learned counsel appearing for the private respondent/fifth respondent submits that objections have been filed to the Report of the Tahsildar. It is further submitted that any order to be passed by this Court placing reliance upon the report of the Tahsildar shall not prejudice his right in the pending suit.

4. Considering the submissions made, this Court is of the

view that the writ petition can be allowed by setting aside the order impugned dated 16.04.2016 subject to the result of the suit. After all, what the petitioner wants is a service connection. In such view of the matter, the order impugned is set aside and consequently, the fourth respondent is directed to grant service connection to the petitioner's Well situated in Survey No.434/22 Patharai Pallipalayam Agraharam Village, Tiruchengode Taluk, Namakkal District within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this order is passed without prejudice to the contentions of the parties in the pending suit. The District Munsif, Thiruchengode, is directed to decide either the suit in O.S.No.252 of 2015 or the interlocutory application on its own merits without being influenced by the orders passed by this Court as well as the Report of the Tahsildar, Kumarapalayam.

5. The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

raa

Sub Assistant Registrar

To

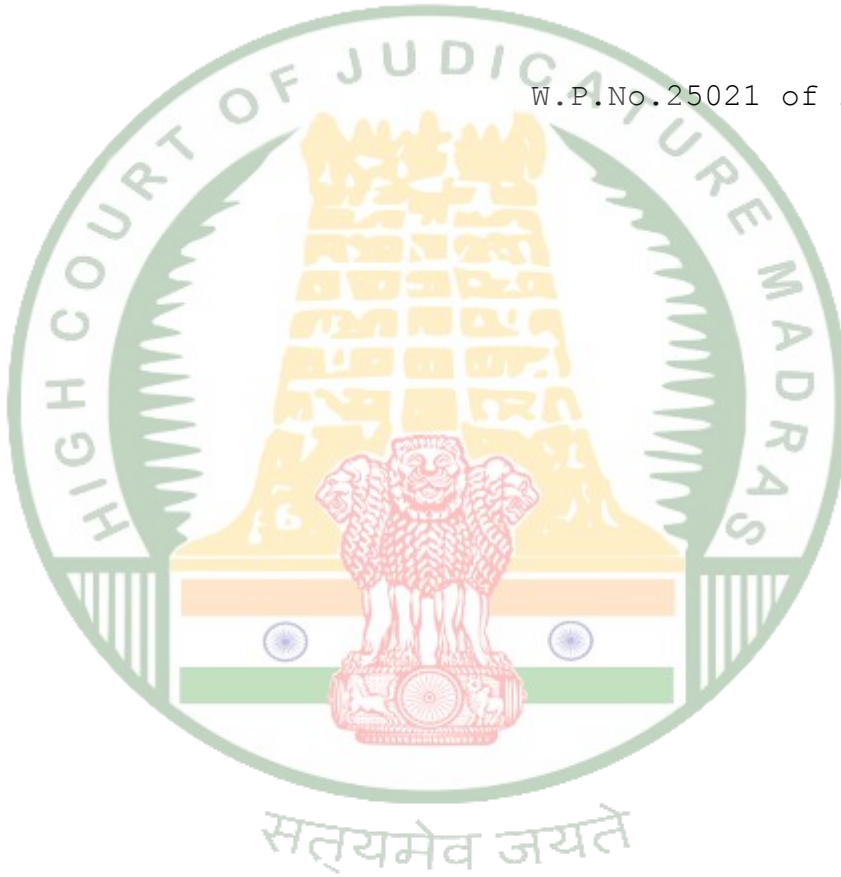
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Namakkal District.

5 The Tahsildar
Tiruchengode.

+1cc to Mr.Manokaran, Advocate, S.R.No.15076
+1cc to Mr.Valliappan, Advocate, S.R.No.15071
+1cc to the Government Pleader, S.R.No.15020

KJI (CO)
RS(21/03/2017)

W.P.No.25021 of 2016



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