

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.8272 of 2014

and

M.P.No.1 of 2014

S.Chinnusamy

...Petitioner

vs

1.The Superintending Engineer,
TamilNadu Electricity Board,
Namakkal,
Namakkal District.

2.The Executive Engineer, O& M,
Tamilnadu Electricity Board,
P.Vellur 638 182,
Namakkal District.

3.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Kabilar Malai,
P.Vellur 638 182,
Namakkal District.

4.The Assistant Engineer,
Tamilnadu Electricity Board,
Jedarpalayam,
Namakkal District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the impugned order of the second respondent dated 15.02.2012 made in Ku.A.No.Se.Po./E.Pa./Pa.Ve/Ka.V Va.via.Thallu/No.051/12 dated 15.02.2012, quash the same and direct the respondents to provide 5 H.P.Agricultural service connection to the Well situated in Survey No.229 (patta land), KurumbalaMahadevi, P.Velur Taluk, Namakkal District.

For petitioner : Mr.J.Ramakrishnan

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

O R D E R

The petitioner is aggrieved against the proceedings of the second respondent dated 15.02.2012, wherein and whereby, the request of the petitioner for providing agricultural service connection to the well situated in Survey No.261 was rejected on the reason that the said land is river poramboke land.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3.It is submitted by the learned counsel for the petitioner that even though the second respondent has passed the impugned order in respect of Survey No.261, the petitioner has subsequently made another application on 09.01.2014 to provide such electricity connection to the patta land situated in Survey No.229 of KurumbalaMahadevi, P.Velur Taluk, Namakkal District and therefore, the second respondent shall consider the said application as transfer of land from the original application. In support of his submission, the learned counsel relied on a decision made in W.P.Nos.16460 of 2012 and 16461 of 2012 dated 30.08.2012 filed by the other two persons against whom also, the impugned order was issued in common.

4.Learned Standing Counsel for the respondents submitted that since the petitioner is seeking service connection for change of land, such request can be considered only in accordance with the seniority.

5.Considering the above stated facts and circumstances and in view of the fact that the petitioner is not seeking the relief in respect of Survey No.261 and on the other hand, he is seeking for service connection in respect of Survey No.229 based on his representation dated 09.01.2014, the second respondent has to consider the same and pass orders in accordance with law. In any event, the impugned order passed in respect of Survey No.261 cannot be interfered with, as it is admitted by the petitioner that the land in the above said Survey is poramboke land. Accordingly, this writ petition is disposed of, by directing the second respondent to consider the claim of the petitioner for providing agricultural service connection to Survey No.229 at KurumbalaMahadevi village, P.Velur Taluk, Namakkal District, based on his application dated 09.01.2014 and

pass orders in accordance with law and also by considering the seniority of the petitioner as on the date of such application. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Superintending Engineer,
TamilNadu Electricity Board,
Namakkal,
Namakkal District.
- 2.The Executive Engineer, O& M,
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Namakkal District.
- 4.The Assistant Engineer,
Tamilnadu Electricity Board,
Jedarpalayam,
Namakkal District.

+1cc to Mr.J.Ramakrishnan, Advocate, S.R.No.13981

W.P.No.8272 of 2014

GP (CO)
RRK (12/03/2018)

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