

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.12141 of 2012 and
M.P. Nos.1 and 2 of 2012

Muthusamy Gounder

.. Petitioner

-VS-

1.The Executive Engineer,
Tamil Nadu Electricity Board,
Avinashi Taluk,
Tiruppur District.

2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Karuvalur, Tiruppur District.

... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorari calling for the entire records relating to the
impugned order passed by the second respondent in his
proceedings Ka.No.U.Pae.Poe/E.Paae/North/Annur/
Kattukoppu/Vi.No.12, dated 19.04.2012.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.K.Raameshuwar,
Standing Counsel

ORDER

The writ petition has been filed challenging the impugned
order passed by the second respondent in his proceedings
Ka.No.U.Pae.Poe/E.Paae/North/Annur/Kattukoppu/Vi.No.12, dated
19.04.2012.

2.Learned counsel appearing for the petitioner would
submit that the petitioner is the owner of the land situated at
Ramanathapuram Village, Tiruppur District in S.F. Nos.161/1,
164/2 and S.F. No.186 and other Survey numbers and the same was
purchased by him along with well and service connection in S.C.
No.85, Nariyampalli Electricity Distribution in the year 1969.
While so, he has let out the said land under certain conditions

to one Avinasiappan and some civil cases are pending with regard to the said land. However, the rival parties of the petitioner induced the respondents to disconnect the service connection in S.C. No.85. Finding that the service connection given to the open well was shifted to bore well, the petitioner was informed by the respondents to remove the motor within 30 days, for which, the petitioner submitted a detailed explanation stating that due to shortage of water in the open well, he has shifted the service connection to the bore well. In this regard, he has filed a Suit against the respondents in O.S. No.63 of 1996 on the file of the District Munsif, Avinashi not to disconnect the service connection and the same is pending.

3.Learned counsel appearing for the petitioner would further submit that as the respondents have disconnected the service connection without passing any order, the petitioner is before this Court challenging the same. Since the petitioner is the landlord, due to scarcity of water, he has shifted the service connection from open well to bore well for getting water for cultivation and also for personal use and therefore, the order passed by the respondents is liable to be set aside.

4.Learned Standing Counsel appearing for the respondents would submit that the petitioner cannot, on his own, without getting prior permission or approval, shift the electricity service connection from open well to bore well and he should have obtained prior permission for shifting the same.

5.At this stage, learned counsel appearing for the petitioner would submit that the petitioner would move an application for shifting the service connection from open well to bore well within a week's time.

6.Therefore, it is for the petitioner to move an application for shifting the service connection from open well to bore well. If any such application is filed, the same shall be considered by the respondents. Accordingly, the writ petition stands disposed of. Consequently, M.P. No.1 of 2012 is closed and 2 of 2012 to implead the proposed respondent in the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

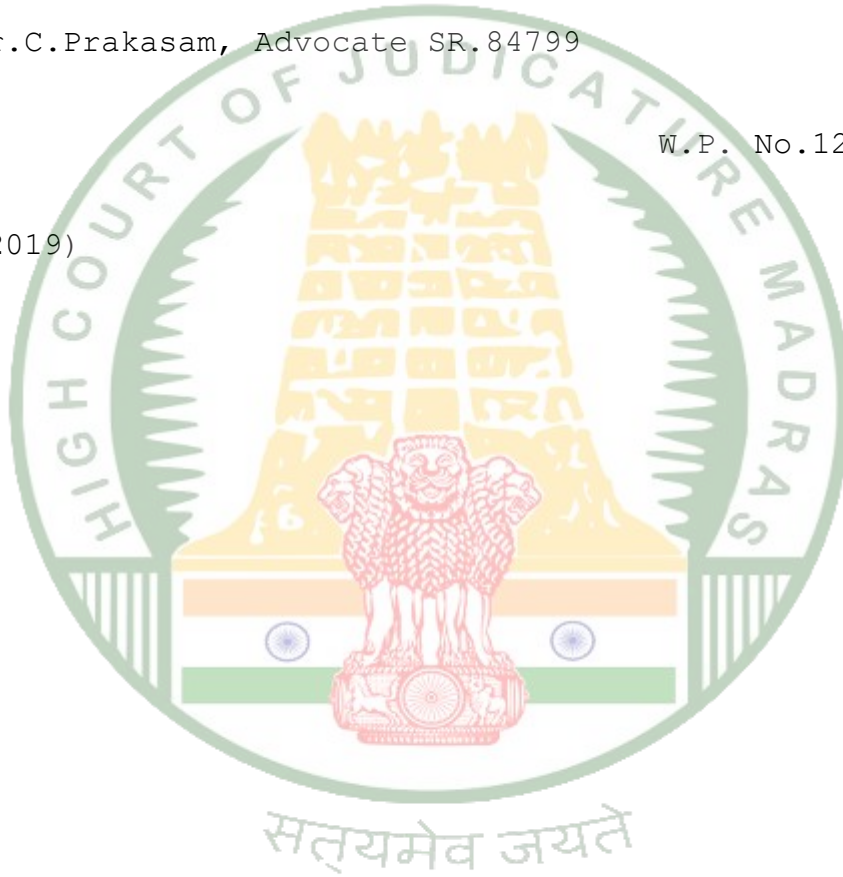
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Tamil Nadu Electricity Board,
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Tamil Nadu Electricity Board,
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Karuvalur, Tiruppur District.

+lcc to Mr.C.Prakasam, Advocate SR.84799

W.P. No.12141 of 2012

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CB(11/11/2019)



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