

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.20229 of 2014 &
M.P.Nos.1 & 2 of 2014

U.Balamurugan

...

Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO) Operation & Maintenance,
Bhavanisagar, Erode District.

2.V.Subbaraj

3.V.Selvaraj

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents not to disturb the petitioner from using the common well and the electricity service connection No.84 situate at Survey No.176/6, Karithottampalayam Village, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.S.K.Rameshwar
Standing Counsel for R1

No appearance for R2 & R3

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondents not to disturb the petitioner from using the common well and the electricity service connection No.84 situate at Survey No.176/6, Karithottampalayam Village, Sathyamangalam Taluk, Erode District.

2. The case of the petitioner is that his father and family members were enjoying the common Well and the electricity

service connection No.84 situated at Survey No.176/6, Karithottampalayam Village, Sathyamangalam Taluk, Erode District, for more than two decades. While so, the respondents 2 and 3 prevented the petitioner from using the common well as well as the electricity service connection. According to the petitioner, the respondents 2 and 3 are adjacent landowners and they erected a new bore well and taking steps to shift the service connection as well as the motor pump set situated in the common well to their new bore well. Therefore, the present Writ Petition has been filed with the above said prayer.

3. The first respondent has filed a counter affidavit, wherein, it is stated that application for shifting of existing service connection No.84, situated at S.F.No.176/6, Karithottampalayam Village, Sathyamangalam, Erode District, has not been received by them and shifting of service connection can be done only after getting proper application with documents from the applicant with no objection / consent letter from the co-owners of the service connection of the well.

4. Recording the stand taken by the first respondent in the counter affidavit that till date no application has been received by them for shifting of existing service connection and shifting of service connection can be given only after getting proper application with documents from the applicant with no objection / consent letter from the co-owners of the service connection of the well, this Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

r n s

To

The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
(TANGEDCO) Operation & Maintenance,
Bhavanisagar, Erode District.

W.P.No.20229 of 2014 &
M.P.Nos.1 & 2 of 2014

AK (CO)
GMY (20/05/2019)