



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.08.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.18061 of 2019

P.Duraisamy,
S/o.Periya Appu,
No.18/41, Samy Street,
Ranipet, Wallaja Taluk,
Vellore District.

... Petitioner

/versus/

1. The Superintending Engineer,
Rural Electrification and Improvement (Distribution)
Tamil Nadu Electricity Board,
4th Floor, Western Wing, NPKRR Maligai,
No.144, Anna Salai, Chennai - 600 002.
2. The Junior Engineer,
Operation and Maintenance,
Tamil Nadu General and Distribution Corporation Limited,
Kalambur, Polur Taluk,
Tiruvannamalai District.
3. The Village Administrative Officer,
Mukurumbai, Polur Taluk,
Tiruvannamalai District.
4. P.Loganathan,
S/o.Periya Appu,
Mukurumbai Village,
Kalambur Post,
Pollur Taluk, Tiruvannamalai District.
5. P.Devaraj,
S/o.Periya Appu,
Mukurumbai Village,
Kalambur Post,
Pollur Taluk, Tiruvannamalai District.

6. P.Solai,
S/o.Periya Appu,
Mukurumbai Village,
Kalambur Post,
Pollur Taluk,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 1st and 2nd respondent to transfer the service connection No.172 from Survey No.248 to Survey No.16/2 in Patta No.451 in Kalambur Village, Pollur Taluk, Tiruvannamalai District and change the name of Mr.Loganathan to P.Duraisamy, the petitioner herein without insisting the No objection from the 4th respondent within such stipulated time and pass orders.

For Petitioner : Mr.K.Sudalai Kannu
For R1 & R2 : Mr.M.Varun Kumar
For R4 : Mr.B.Ganesha Moorthy
For R3, : Mr.N.Inbanathan,
Additional Government Pleader
For R5 & R6 : No Appearance

O R D E R

Heard the Learned Counsel for the petitioner and the Learned Counsel for the respondents.

2. The case of the petitioner is that, the petitioner and the 4th respondent/Loganathan inherited property from their father along with other two brothers and the well which is presently located in S.No.248 have Electricity Service Connection No.172 for drawing water. The well has gone dry. His brother/4th respondent is having a separate Electricity Service Connection to irrigate his portion of land. Whereas, the petitioner needs water for irrigation, for that purpose, he has dig the bore-well in his portion of land and the existing Electricity service connection has to be shifted to the S.No.16/2 where he has digged the bore-well. For the said purpose, when he approached the 2nd respondent/Junior Engineer, TANGEDCO, they have insisted upon "No Objection" from his brother/4th respondent, which the 4th respondent is not inclined to give the No objection.

3. The learned Counsel for the 4th respondent/Loganathan, would submit that the petitioner and the 4th to 6th respondents are Legal heirs of one Mr.Periya Appu. He

left vest extend of land, which was divided between the brothers. Two brothers (5th and 6th respondents) have taken around 5 acres of land, with one Electricity service connection. The other two brothers, (the petitioner and the 4th respondent/Loganathan), have divided 4 acres of land equally with Electricity service connection No.172 and ½ share in the well at S.No.248 each. It is admitted by the 4th respondent/Loganathan, that the well has gone dry and the Electricity service is not used by either of them. It is also admitted by the 4th respondent that he is having independent Electricity Service connection to irrigate his land. His apprehension is that, if at some point of time, the well start yielding water, then the shifting of Electricity service connection from the land of the petitioner will be difficult and he deprived from drawing water from the well located at S.No.248. Hence, he refuse to give "No Objection".

4. On the factual matrix, this Court finds that the existing Electricity Service connection is not been used due to want of water in the well. Therefore, the petitioner has dug the borewell in his land at S.No.16/2 to draw water, for which, the petitioner needs Electricity service connection. Unfortunately, the 4th respondent/Loganathan, refuse to give 'No objection' but admits that the petitioner has a right in the well as well as the Electricity Service Connection. In such circumstances, the 2nd respondent/Junior Engineer, TANGEDCO, Tiruvannamalai District is hereby directed to consider the representation of the petitioner for shifting the Electricity Service connection from S.No.248 to S.No.16/2 of Mukurumbai Village, Kalambur Post, Polur Taluk, Tiruvannamalai District, without insisting upon the 'No objection' from the 4th respondent/Loganathan.

5. Accordingly, the Writ Petition is disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

bsm
To,

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Rural Electrification and Improvement (Distribution)
Tamil Nadu Electricity Board,
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No.144, Anna Salai, Chennai - 600 002.

2. The Junior Engineer,
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Kalambur, Polur Taluk,
Tiruvannamalai District.

3. The Village Administrative Officer,
Mukurumabai, Polur Taluk,
Tiruvannamalai District.

+1cc to Mr.B.Ganesha Moorthy, Advocate in SR.77765

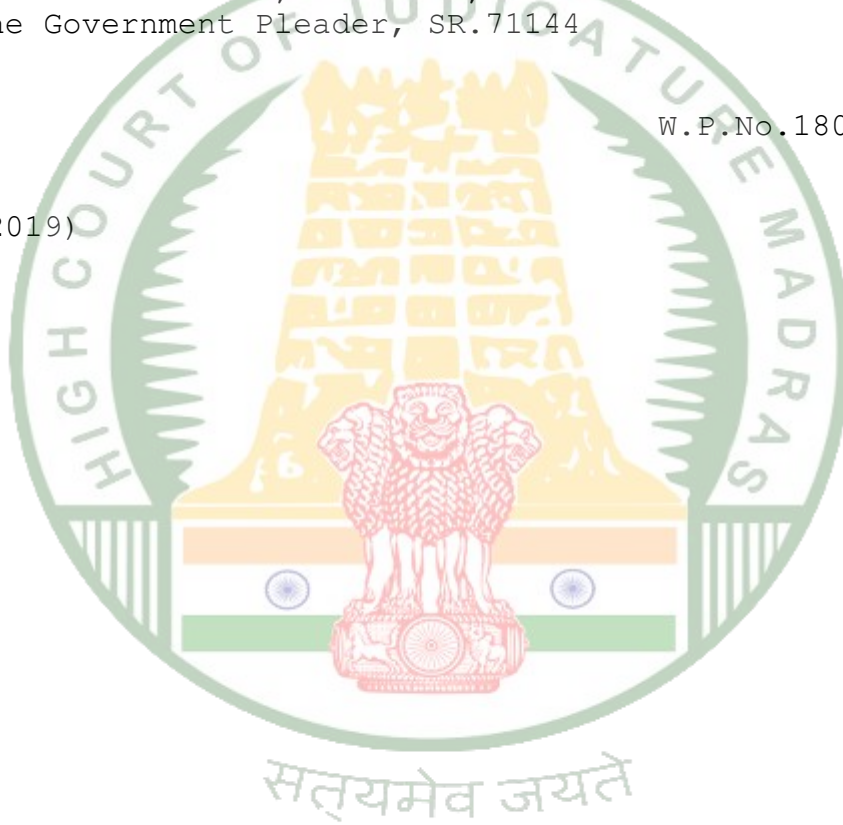
+1cc to Mr.K.Sudalai Kannu, Advocate in SR.71076

+1cc to Mr.M.Varun Kumar, Advocate, in SR.72014

+1cc to the Government Pleader, SR.71144

W.P.No.18061 of 2019

MP (CO)
CB (09/10/2019)



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