



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20209 of 2018

Sridaran

..Petitioner

Vs.

1.The Superintending Engineer,  
TANGEDCO, Musiri, Trichy District.

2.The Executive Engineer ( O & M ),  
TANGEDCO, Musiri, Trichy District.

3.The Assistant Engineer,  
TANGEDCO, Thathaiyangarpet Rural West,  
Musiri, Trichy District.

4.Periyasamy

5.Iyyanar

6.Raju Naicker

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order, dated 16.07.2018, passed by the 2nd respondent, in his proceedings in Ka.No.Se.Po/E.Ka./Mu/U.Ka.A/Va.Pe/Ka.Me.2/Ko.Pe.Maa.A.No.153/18 and set aside the same as illegal and consequently direct the 2nd respondent to change / transfer the electricity service connection No.75 in Consumer No.0628600475 in connection with the properties in Ayan S.No.281 of Thathaiyangarpet village, Trichy District into the petitioner's name from his deceased mother namely Padmavathiammal within a stipulated time.

For Petitioner

:Mr.S.Sukumar

For R1 to R3

:Mr.S.M.S.Johny Basha

For R4 to R6

:No Appearance

**ORDER**

Heard the learned counsel appearing on either side.

2.The petition mentioned electricity service connection stood in the name of Padmavathiammal. The said Padmavathiammal is no more. She died leaving behind two legal heirs including the writ petitioner. The writ petitioner has produced the No Objection



Certificate obtained from his sister, before the third respondent. Therefore, the electricity service connection will have to be necessarily transferred in the name of the writ petitioner.

3. The learned standing counsel appearing for the TANGEDCO points out that in respect of Well in question there are co-sharers and that the petitioner must obtain No Objection Certificate from the co-sharers.

4. I am not in a position to accept the said stand taken by the learned standing counsel. The petition mentioned electricity connection did not stand in the name of those pattadars. Admittedly, it stood only in the name of Padmavathiammal. When she is no more, the electricity service connection will have to be transferred in the names of her legal heirs. In this case, there are only two legal heirs. The writ petitioner has obtained No Objection Certificate from his sister. Therefore, the petitioner's name alone will have to be substituted in the place of Padmavathiammal. Hence, the order impugned in this writ petition is quashed. This writ petition is allowed. It is made clear that this Court has not pronounced anything on the entitlement of the other pattadars in respect of the subject Well. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintending Engineer,  
TANGEDCO, Musiri, Trichy District.

2. The Executive Engineer ( O & M ),  
TANGEDCO, Musiri, Trichy District.

3. The Assistant Engineer,  
TANGEDCO, Thathaiyangarpet Rural West,  
Musiri, Trichy District.

+1cc to Mr.S.SUKUMAR, Advocate, SR.No. 53822

**W.P (MD) No.20209 of 2018**

**RJ2**

**KK/SAR/23.04.2019/ 2P- 5C**