

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.21470 of 2019
and
W.M.P.No.20670 of 2019

1. R.Raghuraman
2. R.Ramkumar

... Petitioners

-Vs-

1. The Superintending Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Villupuram, Villupuram District.
2. The Assistant Electrical Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Operation
and Maintenance,
Kandamangalam, Vikravandi Taluk,
Villupuram District.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation Operation
and Maintenance,
Kandamangalam, Vikravandi Taluk,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioners dated 14.03.2019 seeking for transfer of Agricultural Electricity Service Connection No.267 existing in Survey No.40/1B to Survey No.43/2B situate at Ammanangkuppam Village, Vikravadi Taluk, Villupuram District forthwith.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.M.Varunkumar
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioners, who are seeking for transfer of electricity connection from Survey No.40/1B to Survey No.43/2B situated at Ammanangkuppam Village, Vikravandi Taluk, Villupuram District.

2. The case of the petitioners is that they have purchased the property by virtue of a registered sale deed dated 18.12.2015. According to the petitioners, the owner of the property had a service connection in Survey No.40/1B and he also gave a no objection to the respondents to transfer the service connection to Survey No.43/2B. The petitioners also made a representation in this regard. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel for the petitioners submitted that even if the respondents are not inclined to transfer the service connection, they can consider to give fresh service connection to the petitioners based on the application submitted by the petitioners.

4. The respondents have filed counter affidavit in this case. The stand taken by the respondents is that the service connection cannot be transferred in the name of the petitioners, since the petitioners have not purchased Survey No.40/1B. The learned standing counsel appearing on behalf of the respondents submitted that there is no scope for transferring the service connection which stands in the name of one person to another till the property is transferred. The learned counsel submitted that in the present case the petitioners are seeking for a transfer of service connection from Survey No.40/1B, which was not even purchased by the petitioners.

5. The learned standing counsel further submitted that there is a subsequent development that has taken place in this case. The learned counsel submitted that the owner of the property had later on shifted the service connection to another survey number and that survey number has also been sold by him to some third party. Therefore, the learned counsel submitted that the relief claimed by the petitioners cannot be granted by this Court due to the subsequent development.

6. This Court has carefully considered the submissions made on either side and materials available on record.

7. This Court is not inclined to go into the issue that has been raised in this Writ Petition in view of the subsequent development. It is true that the owner of the property had already given a no objection in favour of the petitioners to transfer the service connection in favour of the petitioners. However, this service connection later got transferred to another survey number and that survey number has already been sold to a third party. Therefore, there is no scope for transferring the service connection in favour of the petitioners.

8. In view of the above, the petitioners are directed to make a fresh application to the respondents seeking for a new service connection for their property. The respondents are directed to consider the same in accordance with law and grant the service connection as expeditiously as possible.

9. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

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Sub Assistant Registrar

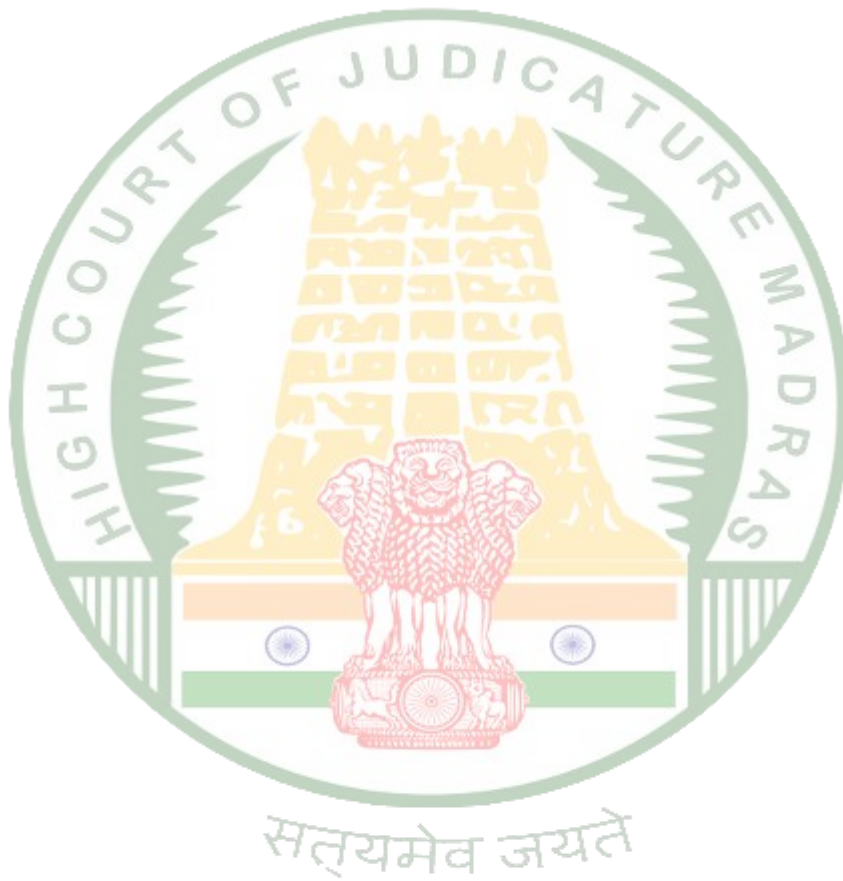
rsi
To

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Distribution Corporation Operation
and Maintenance,
Kandamangalam, Vikravandi Taluk,
Villupuram District.

+1cc to Mr.C.Prabakaran, Advocate SR.21270
+1cc to Mr.M.Varunkumar, Advocate SR.21249

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MR (CO)
CB (19/06/2020)



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