

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34852 of 2019

and

W.M.P. Nos. 35613 and 35614 of 2019

S.C. Udayakumar

... Petitioner

-vs-

1. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thirupathur Distribution Circle,
Gudiyatham,
Vellore District.

2. The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Nellurpet,
Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 19.08.2019 made in Ka. No. 01/Se.Po/E&Pa/Gudi/U.Ka.A/Va.Pi/ Ka.Me.1/Ko.Th.A.U.Sa/19 on the file of the First Respondent herein and quash the same, consequently issue direction to the Second Respondent to transfer the Electricity Service Connection No. 469-006-165 to the name of the Petitioner.

For Petitioner : Mr. R. Arundattan
For Respondents : Mr. M. Varunkumar,
Standing Counsel

ORDER

The Petitioner has challenged the order No.. 01/Se.Po./E&Pa/Gudi/U.Ka.A/Va.Pi/Ka.Me.1/Ko.Th.A.U.Sa/19 dated 19.08.2019 passed by the First Respondent and sought for consequential directions.

2. The Respondents have filed Counter Affidavit in which it has been stated that it is not possible to grant relief sought by the Petitioner due to following reasons:-

"9. I submit that the Petitioner has applied for name transfer of service connection No. 469-006-165 on

30.05.2019 due to purchase of lands from Thiru. Mohanam, and on detailed scrutiny of the records and site inspection reports the Petitioner was relied that the Name Transfer of service connection is not feasible for the following reasons vide Lr. No. KA.No.01/Se.Po/E&Pa/Gudi/U.KA.A/Va.Pi/Ka.me.1/Ko.Tha.A.U.Sa/19 Dt.19.08.2019.

1. The Petitioner in his application stated that the Agricultural service connection No. 165 is available in the bore well at SF. No. 24/2A3 purchased from Thiru. Mohanam. But where as the original service connection is available only in the open well at SF. No. 24/2A2. These facts are not mentioned in the sale deed.
2. On site inspection and detailed scrutiny of the records it is seen that the entire lands purchased by the Petitioner were converted as living plots and sold to the public and no other lands left with the Petitioner for Agricultural purpose. And there is no electrical poles and 3phase lines found nearer to the bore well since the service has been effected only in the open well location.
3. The cultivation lands related to the service connection No. 469-006-165 are not used for the Agricultural purpose and converted as living plots. As such the service connection has to be permanently dismantled as per the clause 33(4) of Distribution Code of TNERC. Further, based on clause 33(4) of Distribution Code Chief Engineer/Planning has issued a circular dated 20.09.2018 to take appropriate action as per Clause 33(4) of the Tamil Nadu Electricity Distribution Code 2004.

More over it is to be stated that if the Petitioner retains the Agricultural Lands and apply for the Name Transfer of service connection in the open well at SF. No. 24/2A2 along with joint owners' consent, the same will be considered."

In view of the submissions made by the Respondents in the Counter Affidavit that if the Petitioner makes an application for agricultural lands for name transfer of service connection in the open well at S.F. No. 24/2A2 along with joint owners' concerned, the same would be considered, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same. He has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thirupathur Distribution Circle,
Gudiyatham,
Vellore District.
2. The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Nellurpet,
Vellore District.

+1 cc to M/s.R.Arundattar, Advocate Sr.No. 3714

AKM/12.02.2020/3P-4C /

W.P. No. 34852 of 2019

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