



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.6524 of 2020

P.V.Krishnamoorthy

Petitioner

-Vs-

1.The Superintendent Engineer (O&M)

TANGEDCO,
Coimbatore Electricity Distribution Division North,
Thondamuthur,
Coimbatore.

2.The Assistant Executive Engineer,

TANGEDCO,
Coimbatore Electricity Distribution Division North,
Thondamuthur,
Coimbatore.

3.P.V.Shanmugasundaram

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in impugned order No.AEE/V/DM/KO/V.E.T/Transfer/letter No. 217/2018 dated 05.06.2018 on the file of 2nd respondent and quash the same and directing the respondents to transfer the Service Connection No.110-003-1070 standing in the name of the petitioner from the land situated at S.No.874/5, Devarayapuram Village, Perur Taluk, Coimbatore District to the land situated at S.No.219/2A Thennamallur Village, Perur Taluk, Coimbatore District and grant such other relief may deem fit proper.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.M.Abul Kalam
Standing Counsel for R1 & R2



ORDER

This writ petition has been filed challenging the impugned letter of the 2nd respondent dated 05.06.2018 refusing to transfer the service connection standing in the name of the petitioner from the land situated at S.No.874/5 to the land situated at S.No. 219/2A.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3.The specific case of the petitioner is that there was an oral partition among the family members and the property was also divided by metes and bounds and the service connection in 110/003/1064 for S.No.867 is standing in the name of the petitioner. But however, it is being utilized by the 3rd respondent for cultivating the lands that were allotted to him. Similarly, the service connection No.109/008/1070 was given for S.No.874/5 and it is standing in the name of the petitioner. The petitioner had purchased another land at S.No.219/2A. The petitioner wants to shift the agricultural service connection to the newly purchased land. When the application was made by the petitioner, the 2nd respondent had insisted that the petitioner must get no objection from the 3rd respondent, who is none other than the brother of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The 3rd respondent has taken a very specific stand that the service connection stands in the name of the petitioner. But however, the lands were not divided by metes and bounds and even today the entire lands in S.F.No.874/5 & 867 are being cultivated and therefore, if the service connection is shifted, the lands which are under cultivation will be deprived of water. Therefore, it is being opposed by the 3rd respondent.

5.This Court exercising its jurisdiction under Article 226 of the Constitution of India cannot get into these disputed facts. The petitioner takes a particular stand and the 3rd respondent has taken a different stand and this Court cannot find out as to which stand is sustainable, unless, there is appreciation of evidence which is only possible before the competent civil court. Therefore, this Court is not able to grant the relief as sought for by the petitioner. Either the petitioner has to get no objection from the 3rd respondent to transfer the service connection to the new land or the petitioner has to apply independently for the new land that has been purchased in S.No.219/2A under the available scheme. The petitioner has to evolve a workable solution and it is not possible for this Court to give any positive direction.



6. In view of the above, it is left open to the petitioner to either get the no objection from the 3rd respondent or apply for the Tatkal scheme and seek for a fresh service connection for S.No.219/2A and the same will be considered by the respondents in accordance with the scheme.

7. This writ petition is disposed of accordingly. No Costs.

ssr

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Superintendent Engineer (O&M)
TANGEDCO,
Coimbatore Electricity Distribution Division North,
Thondamuthur,
Coimbatore.

2. The Assistant Executive Engineer,
TANGEDCO,
Coimbatore Electricity Distribution Division North,
Thondamuthur,
Coimbatore.

+1 C.C. TO M/S.R.RAJARAJAN, ADVOCATE SR.NO.51456/2021

+1 C.C. TO M/S.C.R.PRASANAN, ADVOCATE SR.NO.51958/2021

W.P. No.6524 of 2020

VSMI (CO)

DV (20/10/2021)