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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22502 of 2014
and
M.P.Nos.1 & 2 of 2014

L.Ramasamy Gounder

...Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO (Tamilnadu Generation and
Distribution Corporation Limited)
Villupuram Electricity Distribution Circle,
Villupuram.
2. The Executive Engineer (O & M)
TANGEDCO, Gingee,
Villupuram District.
3. The Junior Engineer,
TANGEDCO, Alampoondi,
Gingee Taluk, Villupuram District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his Proceedings No.EE/O&M/Se/Tho/Nu.(U)/Ko.Kattu/A.No.03/13-14 dated 09.7.2013 and quash the same and consequently directing the respondents to change over the Electricity Service Connection No.250 from S.No.101/10, Perunkkappur Village, Gingee Taluk, Villupuram District to the petitioner's another open well situated in S.No.97/1A, Perunkkappur Village, Gingee Taluk, Villupuram District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel
[For TANGEDCO]



O R D E R

The order impugned dated 09.07.2013 states that transfer of agricultural electricity service connection cannot be done as per the Rules is under challenge in the present writ petition.

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2. The petitioner states that his father and his grand-father own land in S.No.101/10, situated at Perunkkappur Village & Post, Gingee Taluk, Villupuram District. There is a open well situated and the petitioner approached the respondents and obtained Electricity service connection in his name in S.C.No.250. After the demise of his father and grand-father, partition has been effected and in this regard, the petitioner's Cousin Brothers filed a Civil Suit against the petitioner in O.S.No.296 of 2006 before the Principal District Munsiff Court, Gingee, for Declaration and Permanent Injunction. The Suit was compromised and was withdrawn. Subsequent to the compromise effected out of Court, the parties divided the property and take possession of the respective portion allotted in their favour. The petitioner submitted an application for transfer of Electricity Service Connection. The authorities have rejected the said application on the ground that as per Rules, such transfer cannot be effected. In view of the fact that the partition took place, the issues between the family members were settled out of Court by filing a compromise memo and by withdrawing the Civil Suit instituted.

3. The counter filed by the 3rd respondent reveals that Thiru.L.Ramasamy Gounder, S/o.Lakshmana Gounder made an application under Normal Scheme, seeking supply to the irrigating well situated at SF.No.31/- Perungapur Village, Gingee Taluk, Villupuram District to the second respondent and the same had been registered by the Executive Engineer / O & M / Gingee. According to the Target Allotted year wise by the Government, necessary steps were taken on the application for effecting supply to the said application. The service was effected on 13.03.1987 to the Well situated at 101/10 Perungapur, which was not owned by the petitioner and the Service number was Assigned as 250/T.F IV Perungapur. The above fact came to the knowledge of the respondents 1 to 3 on a later date through the petition received from the public. The detailed enquiry was conducted by the Assistant Executive Engineer/Rural/Gingee and it was proved without doubt that the service was effected at the Well situated at 101/10 Perungappur rather than the applied S.F.No.31/- Perungappur. The Well situated at 101/10 was not owned by the petitioner at any point of time. In view of the discrepancy, the authorities have not effected transfer and it is again reiterated that S.F.No.101/10 Perungapur, where the SC.No:250/Perungapur running is not owned by the petitioner Thiru.L.Ramasamy, S/o.Lashmana Gounder.



Therefore, the request of the petitioner was rejected.

4. This being the factum established, if at all the petitioner wants to get Electricity Service Connection, he has to submit an application in a prescribed format by complying with the procedures and it is to be considered afresh by the respondents in accordance with law.

5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
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Distribution Corporation Limited)
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Gingee Taluk, Villupuram District.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.61040

W.P.No.22502 of 2014

PL(CO)
RGA(03/12/2021)