



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12663 OF 2014

AND

M.P.NOS.2 AND 3 OF 2014

1. Komarasamy
S/o. Amaravathy
2. Minor.Jeevanantham
S/o. Karuppusamy

[Represented by his natural guardian
3rd Petitioner]

3. Karuppusamy
S/o Komarasamy

... Petitioners

Vs.

1. The Superintending Engineer,
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Rajan Nagar,
Sathiyamangalam.
2. The Executive Engineer,
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Gobi Electricity Distribution Circle,
Rajan Nagar,
Sathiyamangalam.
3. The Junior Engineer
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Rajan Nagar,
Sathiyamangalam.
4. Mr.Palanisamy
S/o Nanchappan
5. Mr.Maricchamy
S/o Komarasamy

... 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 pertaining to the communication proceedings no Ka. En. Sepa /E&Pea /Sa /Vaa/Koo.Th.A U Sa/En.076/2013 dated 21.09.2013 and to quash the same in so far as S.C.685 dated 03.12.2010 is concerned which was granted by the second respondent in favour of the 4th respondent for free electricity agricultural service connection and consequently direct the respondents to provide free agricultural electricity service connection to the petitioner's land situated in survey no 518/2 pursuant to his seniority registration no 26/88-89/RGR dated 06.02.1989.

For Petitioners : Mr.R.Thirumoorthy

For R1 to R3 : Mr.L.Jai Venkatesh
Standing Counsel [TNEB/TANGEDCO]

For R4 and R5 : No Appearance

O R D E R

The relief sought for in the present writ petition is to call for the records with reference to the communication proceedings No.Ka.En.Sepa /E&Pea /Sa /Vaa/Koo.Th.A U Sa/En.076/2013 dated 21.09.2013 and to quash the same in so far as S.C.685 dated 03.12.2010 is concerned which was granted by the second respondent in favour of the 4th respondent for free electricity agricultural service connection.

2. The subject property originally belonged to the 1st petitioner from and out of the partition effected. The 5th respondent, who is the son of the 1st petitioner got the portion of the property, who in turn and the 5th respondent sold the said property in favour of the 4th respondent, who purchased the same.

3.The grievances of the writ petitioners is that an application submitted by the 1st petitioner for providing free agricultural electricity service connection was misused by the 4th respondent in collusion with the 5th respondent and the Board authorities granted electricity service connection in favour of the 4th respondent. In this regard, the petitioner submitted a complaint and no action has been taken. Thus, the petitioner has challenged the service connection provided in favour of the 4th respondent.

4. The dispute between the petitioners and the respondents 4 and 5 in respect of property right cannot be adjudicated either by this Court or by the Electricity Board authorities.



5. The learned counsel for the petitioners states that the Civil Suit filed by the 5th respondent was dismissed for default and no further petition is filed for the restoration of the Suit.

6. This Court is of the considered opinion that all these disputed facts cannot be adjudicated in the present writ petition as it involves right regarding the subject property. As far as the electricity service connection is concerned, the Board authorities are bound to verify the correctness and the genuinity of the application as well as the required documents and provide the service connection, whether the service connection is provided in favour of the 4th respondent in accordance with the Rules or not is to be verified by the authorities and if there is any illegality or otherwise, all necessary actions are to be initiated in the manner known to law. The petitioners are at liberty to submit a copy of the representation along with the all other necessary documents enabling the authorities to consider the facts.

7. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Superintending Engineer,
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Rajan Nagar, Sathiyamangalam.
2. The Executive Engineer,
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Gobi Electricity Distribution Circle,
Rajan Nagar, Sathiyamangalam.
3. The Junior Engineer
Tamil Nadu Generation Distribution Corporation Ltd (TANGEDCO)
Rajan Nagar, Sathiyamangalam.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.62538

W.P.No.12663 of 2014

PL(CO)

RLP(13/12/2021)