



WEB COPY



W.P.No.12622 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.12622 of 2016
and
W.M.P.No.10889 of 2016

K.Rasa Gounder

...Petitioner

Vs.

1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai – 600 002.

2.Assistant Engineer,
TANGEDCO,
Gobi Distribution Circle,
Uragam North,
Sathiyamangalam – 638 402.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus to call for the records in the impugned order U.Mi.Po./E&Pe/North/Sathi/Va.Aa/Koo.Kattu/No.3/3/15.16 dated 05.01.2016 passed by the 2nd respondent and further direct the 2nd respondent to give electricity service connection to the bore-well



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situated in S.No.104/2C, Vadhampalayam Village, Sathiyamangalam Taluk,
Erode District.

For Petitioner : Mr.V.V.Sathya

For Respondents : Ms.V.Revathy
for Mr.M.Abul Kalam

ORDER

The petitioner is aggrieved by the rejection of his request for transfer of a pending application for electricity service connection.

2. The petitioner owned land in Survey No.104/2C and 2D. There was also an open well in which the petitioner and one Karuppanna Gounder had shares. The said well was provided with a service connection bearing Service Connection No.255 in the name of Karuppanna Gounder. Since the petitioner's relationship with Karuppanna Gounder got strained, the petitioner applied for a new service connection, enabling him to draw water from the same well, in which Service Connection No.255 in the name of Karuppanna Gounder was already existing. While the application of the petitioner was pending, Karuppanna Gounder died and his legal heirs sold



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half share of the well along with the service connection to the petitioner.

The petitioner also got the service connection transferred in his name. Thus, the petitioner became the owner of Service Connection No.255.

3. Realising that he may not get another service connection for the same well, the petitioner applied to the department for transfer of the application to a bore well dug by him in Survey No.104/2C. The said request was rejected by the department. Aggrieved by the same, the petitioner has come up with this writ petition.

4. A counter affidavit has been filed by the Superintending Engineer, Gobi Electricity Distribution Circle, wherein it is stated that while transfer of service connection is permissible, transfer of a pending application cannot be permitted. Once the petitioner is found to be the owner of the well in Service Connection No.255, which is located in Survey No.104/2D, he cannot be given another service connection to the same well. The petitioner cannot change the application from the open well in Survey No.104/2D to the bore well dug by him in Survey No.104/2C. It is for the



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petitioner to apply afresh seeking service connection for the borewell. The respondents would also contend that the Rules do not permit such transfer of pending applications. In the absence of any rule enabling transfer of pending applications, the respondents cannot be faulted for rejecting the request of the petitioner. The respondents cannot be directed to some thing not provided for.

5. Hence, leaving it open to the petitioner to apply afresh for service connection for the bore well dug by him in Survey No.104/2C, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:No
Internet:Yes
Speaking order

hvk



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R.SUBRAMANIAN, J.

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