

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.23430 of 2016

and

W.M.P.Nos. 20108 & 20109 of 2016

C.Kailasa Gounder

..Petitioner

Vs.

- 1.The Executive Engineer, (O & M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board, Keelarpatti,
Suriyampalayam Post, Tiruchengode Taluk,
Namakkal District.
- 2.The Assistant Executive Engineer, (O & M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board, Keelarpatti,
Suriyampalayam Post, Tiruchengode Taluk,
Namakkal District.
- 3.The Assistant Engineer (O & M),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board, Kottappalli & Post,
Tiruchengode Taluk, Namakkal District.
- 4.S.Murugesan
- 5.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings No.AE/O&M/Ko.Palli.Ka.Thani/No.175/16 dated 13.06.2016 and quash the same and consequently directing respondents 1 to 3 to give electricity service connection to the petitioner for the road side open well situated in S.No.331, Goundipalayam, Thokkavadi Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mrs.R.Hemalatha
for Mr.C.Prakasam
For Respondents : Mr.M.Abul Kalam
for R1 to R3 & R5
Mr.S.Kolandasamy for R4

O R D E R

Challenge in this Writ Petition is to the order, rejecting the petitioner's application for energising the Well and the Motor Pumpset situate in Survey No.331 of Thokkavadi Village.

2.The 4th respondent, who happens to be a co-owner has been vehemently objecting the grant of electricity connection. From the orders of the respondent dated 13.06.2016, it is seen that the application for service connection has been rejected on two grounds namely, since the petitioner has no land in the said survey number as on date and has transferred the land to his son, he would not be entitled to service connection.

3.It is further stated that if there are co-owners in the Well, under Clause 27(2) of the Tamilnadu Electricity Distribution Code, no objection from the other co-owners has to be obtained. Once the petitioner does not own land in the survey number, he cannot insist that he should be given a service connection. Therefore, the rejection on the ground of non-ownership of land has to be sustained.

4.The petitioner claims that he is the absolute owner of the Well for which, he is seeking service connection. It is open to the son of the petitioner, who is the present owner of the land, even according to the petitioner, to apply for fresh service connection and satisfy the authorities regarding the ownership of the Well. If the authorities find that he is the absolute owner of the Well, they will have to comply with the application and grant service connection.

5.This Writ Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To:-

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GPL(CO)
GMY(20/07/2022)