



W.P.No.23094 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.23094 of 2019

V.Selvaraj

...Petitioner

Vs.

1.The Asst. Executive Engineer/East,
TANGEDCO,
Dharapuram Electricity Distribution Circle,
Dharapuram, Erode District.

2. K. Nachimuthu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first respondent to provide the extension of Electricity supply to Air-Compressor for the Bore well motor tapping energy in fixing Double Pole Double Throw switch {DPDT} from exciting service connection in S.C.No.364-007-62 for drinking water and irrigation of agricultural lands situated in S.F.No.656/2A (Old S.F.No.1783/12), Rettavalasu, Manalmettu Thottam, Nallampalayam Village, Tiruppur District without insisting the consent or signature from the second respondent.



W.P.No.23094 of 2019

For Petitioner : Mr.Ma.P.Thangavel
For Respondents : Ms. V.Revathy
for Mr.L.Jaivenkatesh,
Standing Counsel, for R1

No appearance for R2

ORDER

Challenge in the Writ Petition is to the proceedings of the Assistant Executive Engineer/East, Operation and Maintenance TANGEDCO, Dharapuram. dated 04.02.2019, refusing to consider the application of the petitioner for installation of a change over switch on the ground that one of the co-owners of the well in which the service connection is in existence had not expressed his no objection for grant of such facility to the petitioner.

2. Though Mr.Ma.P.Thangavel, learned counsel appearing for the petitioner would raise several contentions in order to show that the demand is unjust, I do not see any necessity to go into those contentions, inasmuch as the Rules for provision of electricity to Wells and also for provision of



W.P.No.23094 of 2019

change over switches where there are co-owners had been relaxed by the Government and the TNERC in its press release dated 10.09.2020 has said, in case of a joint ownership of the Well, if the applicant is unable to get consent letter from the co-owner(s), the applicant can produce Indemnity Bond in lieu of said consent. The Application Form for agricultural service connection, which has been substituted in annexure III, for Form 2, by the amendment to the Tamil Nadu Electricity Supply Code notified on 16.07.2020 and published in the Tamil Nadu Government Gazette dated 05.08.2020 also dispenses with the requirement of the consent letter and states that an Indemnity Bond would suffice. The petitioner has furnished the indemnity bond as could be seen from page 20 of the typed set filed by him.

3. Therefore taking into account the subsequent changes in the policy of the Government, this Writ Petition is **allowed**, the order impugned is set aside. The petitioner shall resubmit his application which was returned along with all the required documents within a week from today and thereafter the respondents will have eight weeks time to provide the



W.P.No.23094 of 2019

change over switch for the agricultural electricity service connection

No.364-007-62 owned by the petitioner along with one Mr.Nachimuthu. No

costs.

13.07.2022

jv

Index:No

Internet:Yes

speaking order

To-

The Asst. Executive Engineer/East,
TANGEDCO,
Dharapuram Electricity Distribution Circle,
Dharapuram, Erode District.



WEB COPY



W.P.No.23094 of 2019

R.SUBRAMANIAN, J.

jv

W.P.No.23094 of 2019

13.07.2022