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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.10875 OF 2017

AND

WMP NO.11819 OF 2017

Tmt.P.Aththayee

... Petitioner

Vs

1. The Chairman cum Managing Director,
TANGEDCO,
No.144, 10th Floor, NPKKR Maaligai,
Anna Salai, Chennai -2
2. The Director of Distribution,
TANGEDCO,
No.144, 10th Floor, NPKKR Maaligai,
Anna Salai, Chennai -2.
3. The Chief Engineer (Distribution),
TANGEDCO,
No.948, EVN Road,
Erode- 638 009.
4. The Superintending Engineer,
TANGEDCO,
Namakkal EDC,
Opp. Jai Suriya Departmental Store,
Namakkal.
5. The Chairman,
CGRF,
The Superintending Engineer,
Namakkal EDC,
Opp. Jai Suriya Departmental Store,
Thiruchengodu Road,
Namakkal 637 001
6. The Executive Engineer,
TANGEDCO,
Operation & Maintenance,



Thiruchengode Division,
Anangoor Road, Keeleripatty,
Suriyampalayam Post,
Thiruchengodu 637 209

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7. The Assistant Engineer (O & M),
TANGEDCO, West,
Vaiappamalai Section Office,
Rasipuram Road,
Vaiappamalai 637 410.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned 5th respondent proceeding in letter No.SE/NEDC/AEE/Dev/AE-2/SDM/F-CGRF-Special/ App.No.1531-16/17 dated 15.02.2017 and quash the same.

For petitioner ... Mr.S.Kolandasamy

For respondents ... Mr.Abul Kalam,
Standing Counsel

ORDER

This writ petition has been filed against the order passed by the 5th respondent disconnecting the service connection given in the name of the petitioner.

2. The brief facts leading to filing the writ petition is that the petitioner's father Subbu Gounder and his brother Perianna Gounder are co-owners in respect of agricultural land in Survey No.264/2 in Marapparai Village, Thiruchengode Taluk. Earlier, both of them said to have applied for service connection and in the year 1977, and an agricultural service connection has been granted bearing No.188/-007-059 and both of them were using the above said service connection. Subsequently, petitioner's father Subbu Gounder applied for separate service connection in the Well and the respondent Electricity Board granted separate service connection in S.C.No.188-007-543. In the mean time, Subbu Gounder died and the service connection has been transferred in the name of the petitioner. Thereafter, the respondents/Board came to know that the service connection has been wrongly obtained in favour of the said Subbu Gounder and after issuing notice, the service connection was disconnected temporarily. Thereafter, on application filed by the petitioner, an enquiry was conducted



and after hearing the parties, the 5th respondent has come to a conclusion that the original service connected was granted in favour of both the Perianna Gounder and Subbu Gounder, who are all co-owners of the Well and by suppressing the said fact, the Subbu Gounder obtained the separate service connection, which is not permissible under Clause 22(2) of the Tamilnadu Electricity Supply Code, and also further directed to take action against the officials, who has given service connection. Now, challenging the order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that originally, service connection in SC.No.188-007-059 has been granted only in the name of the Perianna Gounder. Even though the petitioner's father Subbu Gounder is one of the owners of the property, he was not allowed to use the pump set for irrigation. Hence, he applied for separate service connection and after verifying all the records, the respondents / Electricity Board given a service connection No.188-007-543. Now, it is not open to say that joint service connection has been given in the name of both the Perianna Gounder as well as Subbu Gounder.

4. The learned counsel appearing for the respondents/ Electricity Board submitted that the records clearly reveal that originally joint service connection has been given in the name of Perianna Gounder and Subbu Gounder and without verifying the same, the authorities given a separate service connection to the petitioner's father Subbu Gounder, which is not permissible under Regulation. Hence, the service connection has been disconnected temporarily.

5. Heard both sides and carefully perused the materials available on records.

6. From the perusal of the records, it is seen that in the year 1977, agricultural service connection has been given in the name of both Perianna Gounder and Subbu Gounder, who are co-owners of the Well. Subsequently, without informing the same, the Subbu Gounder obtained a separate service connection for the very same well. The authorities, after verifying all those records found that service connection has been wrongly given and temporarily disconnected the service connection. After due enquiry, the 5th respondent, on verification of records, held that the original service connection stands in the name of both the co-owners and not in the individual name of the Perianna Gounder. I have also gone through the records and satisfied that original service connection was in the name of both co-owners. So petitioner's father cannot get a separate service connection for the same Well. Even though it is contended by the learned



counsel for the petitioner that the originally service connection has been granted only in the name of the Perianna Gounder, he has not produced any documents to substantiate his contention. Hence, this Court finds no merit in the writ petition and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

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RK(CO)
RLP(19/05/2022)