



W.P.(MD)No.9559 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9559 of 2020

and

W.M.P.(MD)No.8615 of 2020

K.Karuppaiah

... Petitioner

Vs.

1.The Executive Engineer (Distribution / Supply),
TANGEDCO,
Kottaipatti, Srivilliputtur,
Virudhunagar District.

2.The Assistant Engineer,
Rural / North,
TANGEDCO,
Kottaipatti, Srivilliputtur,
Virudhunagar District.

3.Sheela Priya

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 & 2 herein to take necessary action against the 3rd respondent herein to disconnect drawing illegal electricity power supply from the petitioner's service connection No.S.C.No.266.008.163 available in S.No.452/2A and



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452/1B in Venkateshwarspuram Village, Sriviliputtur Taluk by considering the petitioner's representation dated 28.07.2020.

For Petitioner : Mr.M.Thirunavukkarasu
For R1 & R2 : Mr.S.Deenadhayan
Standing Counsel
For R3 : Mr.S.Anwar Sameen

ORDER

Heard the learned counsel appearing for the petitioner, learned standing counsel appearing for R1 & R2 and the learned counsel appearing for the third respondent.

2. The case of the petitioner is that since the petition mentioned electricity connection is standing only in his name, the third respondent ought not to be permitted to draw power therefrom. It is an agricultural service connection to enable the parties to draw water from the petition mentioned well. There is no dispute that the well belongs in common to the petitioner as well as the third respondent. The said well has since gone dry. Therefore, the petitioner as well as the third respondent have dug separate bore wells in their respective lands.



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3. The only question that calls for consideration is whether the third respondent can also be permitted to draw power from the petition mentioned service connection to energize her bore well also.

4. The stand of the third respondent is that though nominally the connection stands in the name of the petitioner, it actually belonged to the petitioner as well as her vendor. Since the third respondent had purchased the property from her vendor, she had stepped into his shoes. This assertion is strongly contested by the learned counsel appearing for the petitioner.

5. Since a classic civil dispute has arisen, in normal circumstances, I would have relegated the parties to go before the civil Court to resolve the issues. However, that may not be necessary in this case. It is seen that the third respondent had submitted an application for agricultural service connection on 25.03.2019. The learned standing counsel states that when the turn comes, the third respondent would be given an independent service connection. Till then, the writ petitioner as well as



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the third respondent can continue to draw power from the petition mentioned connection. Once the third respondent gets an independent service connection, R1 and R2 are directed to shift the petition mentioned electricity connection to the petitioner's land so that his bore well can draw power therefrom. It is seen that at present, change over system is in place. It is directed that both the parties namely the writ petitioner and the third respondent will abide by the change over system. Since power is being drawn only under change over system, TANGEDCO is restrained from initiating any coercive steps against the writ petitioner. It is stated that the existing electric motor room is in a dilapidated condition. The petitioner as well as the third respondent agree to bear the expenses equally for repairing the same.

6. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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