



W.P(MD)No.10161 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10161 of 2015

and

M.P(MD)No.1 of 2015

R.Kaliappan

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution & Maintenance Division,
Eriyodu,
Dindigul District.

2.Punitha Nehru

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Ka.No.Oo.Me.Po/Eri/Va.voo/Ko.c.o.s/Aa.No.253/2014 dated 20.10.2014 and quash the same and consequently direct the 1st respondent to grant permission to the petitioner to establish the double throw switch.

For Petitioner : Mr.J.Alaguram Jothi



W.P(MD)No.10161 of 2015

For R1 : Mr.S.Deenadhayan
Standing Counsel
For R2 : Mr.D.Selvaraj

ORDER

The present writ petition has been filed challenging an order passed by the 1st respondent herein, refusing to grant permission to the writ petitioner for installation of double throw switch.

2. According to the learned counsel for the petitioner, he is having a Well in Survey No.333/1B, for which service connection in S.C.No.222 has been granted by the 1st respondent authorities under tariff IV. According to the petitioner, he has dug up a Bore Well in Survey No.324/1B and he wishes to use the same service connection to draw water from the said Bore Well also. Hence, he has requested the 1st respondent to permit him to install a change over switch.

3. The request of the petitioner has been rejected by the 1st respondent herein under the impugned order on the ground the 2nd respondent, who is said to be the co-owner of the writ petitioner has objected to for the same. This order is under challenge in the present writ



W.P(MD)No.10161 of 2015

petition.

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4. A civil suit in O.S.No.50 of 2014 is pending between the petitioner and the 2nd respondent herein on the file of the District Munsif Court, Vedasanthur for several reliefs. A perusal of the plaint prayer and the schedule of property will clearly indicate that S.C.No.222 is also a subject matter of the said suit. That apart, according to the learned standing counsel appearing for the 1st respondent, there is also a dispute with regard to the ownership of the Bore Well in Survey No.324/1B.

5. In view of the above said facts, I do not find any illegality or infirmity in the order impugned in the writ petition. The petitioner is at liberty to approach the 1st respondent based upon the result in O.S.No.50 of 2014.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.11.2022

Index : Yes / No



W.P(MD)No.10161 of 2015

Internet : Yes / No
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To

The Assistant Engineer,
Tamil Nadu Electricity Board,
Distribution & Maintenance Division,
Eriyodu,
Dindigul District.



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W.P(MD)No.10161 of 2015

R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.10161 of 2015

Dated:
29.11.2022