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W.P.No. 11368 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 11368 of 2022

A. Soundarrajan ... Petitioner

Vs

1. The Superintending Engineer,
Tamil Nadu Electricity Department (TNEB),
Tirupattur Electricity Distribution Circle,
No. 7, Balammal Colony,
Tirupattur District,
Tirupattur – 635 653.
2. The Executive Engineer,
Tamil Nadu Electricity Department (TNEB),
Vengalapuram Post,
Tirupattur District,
Tirupattur – 635 653.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Department (TNEB),
Vengalapuram Post,
Tirupattur District,
Tirupattur – 635 653.
4. The Assistant Engineer (O&M/TED),
TANGEDCO,
Vengalapuram,
Tirupattur District,
Tirupattur – 635 653.

5. Arputham

6. Murugesan

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of certiorarified mandamus calling for the records relating to impugned i) communication vide Ka.En:E.No.Po./E.Va.Pa./Vengalapuram/Ko./A.En. 281/21-22 dated 18.03.2022 sent by the fourth respondent and quash the same and consequently direct the respondent Nos. 1 to 4 include the petitioner as well as other co-sharers/co-owners names while granting free agricultural electricity service for the well comprised in Punja land in Survey No. 288/4, Vengalapuram, Tirupattur Taluk, Tirupattur District.

For the Petitioner : Mr. S. MadhuSudhanam
for R1 to R4

For the Respondents : Mr. S. Manikandan
for R5 and R6

ORDER

The petitioner has 1/9th share in a well at Survey No. 288/4 at Vengalapuram and Tirupattur District. The said share had flowed from a partition effected among the father of the petitioner, his brother, the petitioner and also quite interestingly the family of the brother of



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the father.

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2. Every co-sharer has a undivided 1/9th share in the well.

Concept of the Well being retained as a property in common to all the sharers is that the Well cannot be and should not be divided and at least that would be indicative of some jointness within the family though partition had taken place. It was hoped that the source of the water would provide future reconciliation among the parties.

3. One of the daughters of the father's brother, the fifth respondent, Arpudam had in my opinion very judiciously applied for electricity connection in her name. That electricity connection was granted free by the Government since water is drawn from the well for agricultural purposes. The petitioner for reasons which I am not able to decipher raised objections. On objections being raised, the official respondents/Electricity Board simply closed the file and have not granted the electricity connection, necessitating this writ petition to be filed by the petitioner herein.

4. The writ petition is wholly unnecessary. It has only given much hardship not only to the petitioner but also to the fifth



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respondent and also to the sixth respondent, his own brother. Quite fortunately, the parties had taken a decision to come an amicable settlement among themselves. I wish them well. I wish that the family reconciles. I would therefore direct the respondents to grant electricity connection for the said well in the name of Arputham.

5. The usage of the well is common by all the persons and therefore naturally when water is drawn it can be used by everybody. The service connection alone stands in the name of Arpudam. It does not create title. It does not create any additional right to use the well exclusively. The partition deed prevails.

6. Recording as above, the writ petition stands disposed of. No costs. Consequently, W.M.P.No. 10905 of 2022 is closed.

30.01.2023

Index: Yes/no
mrn



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To

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C.V.KARTHIKEYAN, J.
(mrn)

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