



WEB COPY

WP No.14314 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.14314 of 2017

And

WMP Nos.15515 to 15517 of 2017

A.Karuppannan

... Petitioner

Vs.

1.The Superintending Engineer,
TANGEDCO, Electricity Distribution Circle,
Mettur Dam-1,
Salem District.

2.The Executive Engineer,
O/o.Executive Engineer, O&M,
Mettur Dam-1.

3.The Assistant Engineer, O&M,
Konganapuram,
Edappadi Taluk,
Salem District.

4.The Executive Engineer, O&M, Rural,
TANGEDCO, Electricity Distribution Circle,
Edappadi,
Salem District.



5.Natarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining tot he order passed by the second respondent in Memo No.EE/O &M/MTR/TA.I/F:SF/NT/LR/LE./Pr:030/14-15 dated 29.01.2015 and quash the same and consequentially issued direction directing the second respondent to effect the free electricity service connection to the bore well situated in S.F.No.368/2, now sub divided as S.No.368/2B, at Kavadiakaranur, Kurumbapatti Village, Edapaddi Taluk, Salem District on the basis of the application No.236/96-97 dated 06.03.1997.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents-1 to 4 : Mr.I.Syed Sibghatulla,
Standing Counsel for TANGEDCO.

For Respondent-5 : Mr.J.Deeka Raj for
M/s.P.V.Law Associates.

ORDER

The Agricultural Electricity Service Connection granted by the second respondent in proceedings dated 29.01.2015 in favour of the fifth respondent, is sought to be quashed in the present writ petition.



2. The petitioner is the blood brother of the fifth respondent and admittedly partition of their properties took place. The fifth respondent submitted an application, seeking Agricultural Electricity Service Connection and the learned counsel for the fifth respondent states that the writ petitioner has also given 'No Objection Certificate' for providing Agricultural Electricity Service Connection in favour of the fifth respondent.

3. The learned counsel for the petitioner now raises an objection that the petitioner had not given any such 'No Objection Certificate'. Even in such circumstances, the civil rights in respect of the properties are to be established by the parties before the Civil Court of Law.

4. As far as the Tamil Nadu Electricity Board is concerned, they have entertained the application and after scrutinising the documents filed by the applicant, they have provided Agricultural Electricity Service Connection in favour of the fifth respondent in the year 2015, which is in use by the fifth respondent.



5. If at all there is a dispute between the petitioner and the fifth respondent, such private disputes in respect of the immovable properties cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India and the Authorities are bound to establish their right by producing the documents and evidences before the Competent Civil Court of Law.

6. As far as the Tamil Nadu Electricity Board is concerned, they have followed the guidelines laid down by the Board's Instruction dated 01.12.2011 for shifting of Well at the application stage. The approval was granted in favour of the fifth respondent in view of the fact that the fifth respondent Mr.A.Natarajan is the applicant of Agricultural Application No.236/1996-97 dated 06.03.1997. He had the legitimate right to apply for the change of Well. Since the fifth respondent satisfied with the conditions stipulated in the Board's Instruction dated 01.12.2011, his case was considered and accordingly approved by the Competent Authorities.

7. The learned counsel for the petitioner states that the application was submitted jointly and the said joint application was not



considered. However, the dispute regarding the title or the ownership regarding the Well or otherwise, is to be resolved between the petitioner and the fifth respondent by approaching the Civil Court of Law and the application of the first respondent was considered based on the documents produced before the Tamil Nadu Electricity Board Authorities.

8. That being the factum, the petitioner is at liberty to work out his remedy in the manner known to law.

9. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

11-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.



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