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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.447 of 2021

and

W.M.P(MD)No.376 of 2021

Manimala

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Trichy.
2. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Musiri,
Trichy District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO, Musiri,
Trichy District.
4. Sundararaju (Died)
5. S.Kavitha
6. S. Mathiyalagan



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7. S.Saravanan

... Respondents

[R-5 to R-7 are substituted vide order of this Court, dated 03.08.2023]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Ka.No.Se.Po/E and Kaa/Mu/ U.Ka.A/ Va.Pi/Mu/Ka.Me.2/ Go.Pe.Maa./ A.No. 379/2019 dated 07.08.2019 and quash the same as illegal, consequently directing the 2nd respondent to transfer the name of the service connection holder in S.C.No. 39 to the petitioners name without insisting no objection certificate from the joint Patta holders as per the Tamil Nadu Electricity Distribution Code.

For Petitioner : M/s.T.Lenin Kumar

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel, for R-1 to R-3
Mr.G.S.Ashok Adhithyan, for R-4 to R-7

ORDER

This writ petition is filed for ***Writ of Certiorarified Mandamus***, to quash the impugned order, dated 07.08.2019 with a consequential direction to the 2nd respondent to transfer the name of the Service Connection holder in S.C.No. 39 to the petitioner's name without insisting 'No Objection Certificate' from the joint Patta holders, as per the Tamil Nadu Electricity Distribution Code.



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2. Heard M/s.T.Lenin Kumar, the Learned Counsel appearing for the Petitioner, Mr.S.Deenadhayalan, the Learned Standing Counsel appearing for the respondents 1 to 3, Mr.G.S.Ashok Adhithyan, the Learned Counsel appearing for the 4 to 7 respondents and perused the material documents available on record.

3. Through the impugned order, the respondents sought 'No Objection Certificate' from the co-sharers. Originally the land was owned by the 4th respondent's father, namely Arumugam. After the demise of the said Arumugam, his two sons, namely Sundararaju, (the 4th respondent herein) and Chandrasekaran had inherited the properties of Arumugam. Now the 4th respondent died and the legal heirs are substituted as respondents 5 to 7. The petitioner has not impleaded the other son of Arumugam, namely Chandrasekaran. The sale deed of the petitioner clearly indicates that the petitioner is entitled to the electricity service connection along with pump set, but it is only 1/3 of the share. As of now, the 4th respondent has given up his rights. Therefore, the petitioner is entitled to his share in the well. But, the petitioner has not impleaded the said Chandrasekaran who is holding 1/3 share. Therefore, the



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petitioner is directed to obtain 'No Objection Certificate' from the said Chandrasekaran and submit an application before the concerned authorities for changing his name for the said electricity Service Connection in S.C.No.39.

4. With the above directions, this Writ Petition is allowed in above terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions is closed.

08.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ksa



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Trichy.
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TANGEDCO, Musiri,
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3. The Assistant Executive Engineer,
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S.SRIMATHY, J.

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