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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1343 of 2013
and
M.P.(MD)No.1 of 2013

1.N.Palanisamy
2.Perumal

... Appellants

Vs.

1.Perumal

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Mannarpuram, Trichy District.

3.The Additional Divisional Engineer,
Tamil Nadu Government and Distribution Corporation,
Madurai Road, Mannarpuram, Trichy District.

4.The Assistant Engineer (East),
Tamil Nadu Generation and Distribution Corporation,
Mannarpuram, Trichy District. ... Respondents



PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.11.2013 passed by this Court in W.P(MD)No. 11674 of 2013.

For Appellant	:Mr.K.Vinoharan for Mr.G.Prabhu Rajadurai
For R1	:No Appearance
For R2 to R4	:Mr.Surulirajan for Mr.S.Deenadhayalan

JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

The Writ Petition has been filed by an individual, who was the joint owner along with two others, R4 and R5 in the Writ Petition, to an electricity connection bearing S.C.No.43, which irrigated the lands at S.F.No.556/9, Pannapatti Village, Chettiapatti Post, Manapparai Taluk.

2.The three individuals are related. The Writ Petitioner, pending this arrangement, made an application for a change-over switch in respect of the same electricity service connection to a bore well situated at S.F.No.556/5E to service other agricultural lands. There were



objections raised by R4 and R5 to this request. Thus, a Writ Petition came to be filed by the petitioner seeking a Mandamus directing the Assistant Engineer, TANGEDCO/R3 to receive his application for providing separate change-over switch and ordering the same.

3.In order dated 08.11.2013, allowing the Writ Petition, learned Single Judge has considered the objections of the respondents at para 5, extracted below, stating that there would be no prejudice caused to the Department in accepting the Writ Petitioner's request.

“5.However, since the petitioner is going to have bore well 100 meters away from the existing Well, the objections raised by the respondents 4 and 5 that availability of water level from the existing Well would be reduced cannot be accepted. After obtaining legal opinion, when the respondents 2 and 3 are having no objection for grant of change over switch from the existing Well to the proposed bore well of the petitioner, this Court is inclined to allow the writ petition by giving a direction to the 2nd respondent to consider the petitioner's application and pass appropriate orders, granting separate change over switch from S.C.No.43 to the bore well situated in S.F.No.556/5E, within a period of four weeks from the date of receipt of receipt of a copy of this order. Consequently, M.P.(MD)No.1 of 2013 is closed. No costs.”

4.This order is stated to have been implemented as early as on



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17.12.2013 and thus, after the lapse of nearly one decade, we see today, no justifiable reason to intervene and disturb the present arrangement.

The present appellants, being the private respondents in the Writ Petition, would point out that on account of the change-over switch provided, and the bore well reaching a far greater depth than the well, the well has run dry and they have been deprived of water to carry on agricultural operations.

5. In the light of the fact that the parties have lived with the present position for nearly ten years, we are not inclined to disturb the present arrangement, but grant liberty to the appellants to work out the best solution possible. They may approach the concerned authorities of TANGEDCO in this regard and any application filed by them/representation made, shall be considered and disposed within a period of four weeks from the date of receipt thereof, in accordance with law and applicable Regulation.



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6. With this, this Writ Appeal stands disposed. No costs.

Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [R.V.J.]
10.07.2023

NCC : Yes/No
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AND
R.VIJAYAKUMAR, J.

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W.A.(MD)No.1343 of 2013

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