



W.P.(MD) No.11952 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.11952 of 2021

and

W.M.P.(MD) Nos.9376 and 10463 of 2021

K.R.Sivakumar

.. Petitioner

Vs.

1.The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Thanjavur District.

2.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Orathanadu Division, Orathanadu,
Thanjavur-614 625.

3.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Orathanadu Rural, Thanjavur District.

4.The Junior Engineer,
Operatins and Maintenance,



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Tamil Nadu Generation and Distribution
Corporation Limited,
Thanjavur Electricity Distribution Circle,
Vadaseri, Thanjavur District.

5.The Assistant Accounts Officer,
Office of the Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Orathanadu Division, Orathanadu,
Thanjavur District.

6.M.Sudhandhira Devi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to direct the 1st respondent to call for the records in L.R.No.AAO/RB/ORD.F. Name Transfer/D.No.39/2018-2019 dated 19.04.2018 on the file of the 5th respondent and quash the same as illegal and to consequently restore electricity connection in Survey No.42/9B in Vadaseri Village, Orathanadu Taluk, Thanjavur District.

For Petitioner	:	Mr.Govind Chandrasekhar
For RR1 to 5	:	Mr.Nagaraj Standing Counsel
For R6	:	No appearance



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ORDER

This writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 19.04.2018 and for a consequential direction to restore the electricity connection in S.No. 42/9B at Vadaseri Village, Orathanadu Taluk, Thanjavur District in the name of the petitioner.

2. Heard Mr.Govind Chandrasekhar, learned counsel for the petitioner and Mr.Nagaraj, learned Standing Counsel appearing on behalf of respondents 1 to 5. The 6th respondent has been served with notice and her name has also been printed in the cause list. There is no appearance either in person or through counsel.

3. The case of the petitioner is that he purchased the subject property through a registered sale deed dated 25.06.1998 along with a borewell and service connection. The borewell and the service connection stood in the name of Duraisamy and the petitioner, having



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purchased the property, was utilising the borewell and also the service connection for cultivating his lands.

4. The grievance of the petitioner is that the 6th respondent made an application before the 3rd respondent seeking for transfer of the electricity connection in her name, which pertains to the very same borewell and based on the recommendation that was made by the 4th respondent, on 18.04.2018, the 5th respondent, through the impugned proceedings dated 19.04.2018, transferred the electricity connection in Service Connection No.567 in favour of the 6th respondent. Aggrieved by the same, the present writ petition is filed.

5. On going through the records, it is seen that Service Connection No.567 stood in the name of the petitioner and the same is apparent from the revenue records produced before this Court. The 6th respondent is claiming her right and title over the property in S.No.42-9A through a registered sale deed dated 27.01.2014, which was purchased by her from one Duraisamy. Even in the sale deed, Service Connection No.567 has

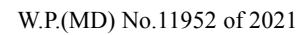


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been mentioned as if the service connection already stood in the name of Duraisamy.

6. Immediately after the 6th respondent started making efforts to get the service connection transferred in her name, the petitioner was objecting for the same and was seeking for cancellation of the name transfer. The petitioner had also filed an application under the RTI Act seeking for information regarding the disconnection and the petitioner received a reply dated 22.10.2020 to the effect that no disconnection has been carried out and name transfer has been effected with regard to the Service Connection No.567.

7. The petitioner is claiming that Service Connection No.567 stood in his name, whereas the 6th respondent is claiming that the service connection stood in the name of Duraisamy and having purchased the same from Duraisamy, she was seeking for transfer of the service connection in her name. This issue ought to have been enquired by the respondents before transferring the service connection in the name of the



8. The learned Standing Counsel appearing for respondents 1 to 5 admitted that the service connection is yet to be effected.

9. In the light of the above discussion, this Court is inclined to interfere with the impugned proceedings of the 5th respondent dated 19.04.2018 and the same is hereby set aside. There shall be a direction to the 5th respondent to issue notice to the petitioner and the 6th respondent and conduct an enquiry. The 5th respondent shall take into account the documents submitted by both the parties and thereafter, take a decision as to whose name, Service Connection No.567 must be granted. This



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process shall be completed by the 5th respondent within a period of four weeks from the date of receipt of a copy of this order.

10. In the result, this Writ Petition is allowed, with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

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

ABR

To

1.The Superintendent Engineer,
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N.ANAND VENKATESH, J.

ABR

3.The Assistant Executive Engineer,
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Dated : 24.11.2023