



W.P(MD)No.14289 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14289 of 2022

S.R.Meenaakshi

... Petitioner

Vs.

1.The Superintending Engineer,
Karur Electricity Distribution Circle,
TANGEDCO, Karur.

2.The Executive Engineer,
Urban (O & M),
TANGEDCO, Karur.

3.The Assistant Executive Engineer,
Operations and Maintenance,
TANGEDCO,
Puliyur, Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call the records relating to the proceedings of 3rd Respondent made in Memo No. Assistant Executive Engineer / O and M / Puliyur / C1 / F, Agl Shifting / D.No. 217 / 2022-23 dated 18.06.2022 and quash the same and consequently direct the Respondents to shift the agriculture service connection No. 011-004-179 as per the Petitioner's request dated 27.04.2022.

For Petitioner : Mr.R.Murali

For Respondents : Mr.S.Deenadhayalan



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ORDER

WEB COPY

Heard both sides.

2. The writ petitioner was enjoying free agricultural electricity service connection for the well comprised in S.No.910 /6, Jagathambikai Village. The petitioner is also owning the well and land in Survey No.219/2A at Thirukampuliyur Village. The petitioner wants the service connection given in respect of Jagathambikai village to be shifted to Thirukampuliyur village. The petitioner's request was rejected by the third respondent vide memo dated 18.06.2022. Challenging the same, the writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned standing counsel took me through its contents.

5. The prime argument of the respondents is that the well in respect of which service connection was originally granted was closed by the petitioner and petroleum retail outlet had been installed. In these circumstances, the question of transferring the said service connection does not arise at all. The respondents pray for dismissal of the writ petition.



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6. I carefully considered the rival contentions and went through the materials on record. There cannot be any dispute that the issue has to be resolved in the light of the norms laid down in the communication bearing Letter No.SE/RE&I (D)/EE/RE/AEE1/Shifting/D.495/21, dated 04.10.2021 issued by the Director (Distribution), TANGEDCO to all Chief Engineers. It is stated therein that shifting of service shall be considered even if the well or bore well ceased to exist in the present location. There is no prohibition that if the well had been voluntarily closed by the consumer, he or she cannot seek shifting. When there is no such prohibition, it is not open to the authorities to introduce a new ground on their own.

7. The said circular dated 04.10.2021 only states that the well and service in the original location should be owned by the applicant on the date of application and they should continue to be owned by the applicant till the date of shifting the service to new location. Of-course, the applicant should own the well in the new location also. The fact that the well had ceased to exist cannot be put against the petitioner. The impugned order is not in consonance with the norms laid down in Letter No.SE/RE&I (D)/EE/RE/AEE1/Shifting/D.495/21, dated 04.10.2021. The said communication is quashed. The petitioner of-course has to abide all the other formalities that may be stipulated by the respondents including the shifting charges.



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G.R.SWAMINATHAN, J.

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8. The writ petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

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