



W.P(MD)No.21160 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21160 of 2022

and

W.M.P.(MD)No.15367 of 2022

M.Kalpana Devi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamilnadu Electricity Board,
Meenkshinayakanpatti,
Kurumbatti Vilage,
Dindigul.

2.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO, Chinnalapatti,
Dindigul District.

3.The Assistant Engineer,
Generation and Distribution Corporation,
Sembatti, Dindigul District.

4.Thomas

5.Arulmaria Francis

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned order passed by the 1st respondent in Ka.No.Mai.Pa.Po/Thi.Kal/Sei.Po/Po/Vu/Sei.Po/Ko.o Petition/A.No.847/22 dated 02.08.2022 and quash the same and directing the respondents No.1 to 3 to change over the Electricity connection No.234-003-598 from the bore well to the well (Keni) in S.F.No.187/1 situated at Kuttathupatti Village, Dindigul West, Dindigul District within a stipulated period fixed by this Court.

For Petitioner : Mr.N.Marivel

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R1 to R3.
Mr.S.Siva Sudhan for R4.
Mr.A.K.Goapalan,
For Mr.G.Ramapandian for R5.

ORDER

Heard both sides.



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2.The petitioner is having free electricity service connection for her bore well in S.No.187/2. She wants change over in respect of well that is located in S.No.187/1. The case of the petitioner is that her vendors namely, Mariammal and Dhanalakshmi were joint pattadars in respect of S.No.187/1 and that she had purchased from them.

3.The learned counsel for the fourth respondent on the other hand would contend that the well in respect of which change over is sought is located in S.No.187/1B and that it is his exclusive property. The fact remains that as on date, the petitioner is not having any patta in her favour.

4.Two issues arises now for consideration. (a) The exact location of the well. (b) Whether the petitioner is its owner. After the petitioner obtains patta in her favour in respect of the well in question, it is open to the petitioner to move the authorities for change over. As on date, there is no patta in favour of the petitioner. Hence, I am not inclined to grant relief to the petitioner for the present.



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5. With the aforesaid liberty to the petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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