



W.A.No.891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.3.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

W.A.No.891 of 2024

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-600 002.
- 2.The Chief Engineer,
Tamil Nadu Electricity Board – Distribution Region,
Erode-9.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board – Distribution Circle,
Namakkal-1.
- 4.The Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board – Distribution Circle,
Rasipuram-637 408.
- 5.The Assistant Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Namakripet East, Mullukurichi-636 142,
Namakkal District.



W.A.No.891 of 2024

6.The Assistant Engineer, Operation & Maintenance,
Tamil Nadu Electricity Board,
Mullukurichi P.O., Rasipuram Taluk,
Namakkal District.

.. Appellants

Vs

M.Srinivasan

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 16.11.2022 passed in WP No.38002 of 2016 by the learned Single Judge.

For the Appellants : Mr.I.Syed Sibagathullah
for Mr.S.Kalaiselvan

For the Respondent : Mr.S.Muthukrishnan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.I.Syed Sibagathullah, learned counsel appearing on behalf of Mr.S.Kalaiselvan, learned counsel for the appellants; and, Mr.S.Muthukrishnan, learned counsel for the respondent.

2. The present respondent had filed a writ petition seeking



W.A.No.891 of 2024

directions against the appellants herein to provide electricity service connection to his well in Survey No.103/3A, Mullukurichi Village, Rasipuram Taluk, Namakkal District.

4. During the course of the arguments in the writ petition, a statement was made that the respondent should transfer the existing service connection to his brother's name and thereafter the service connection shall be provided to the respondent.

5. The learned Single Judge passed the order directing the respondent to file necessary application before the appellants either to surrender or transfer the connection to Jothimani, since the said connection is in the name of the members of joint family, though it was originally owned by the father of the respondent. On such application being made by the respondent, the appellants were directed to provide new agricultural connection to the respondent. The learned Single Judge directed the appellants to provide the service connection under the Special Priority Scheme of two lakhs service connection within three months.



W.A.No.891 of 2024

WEB COPY

6. It is contended by learned counsel for the appellants that the appellants would provide the service connection to the respondent, however, not under the Special Priority Scheme. The respondent already had the connection in the joint family name, but the respondent had sold his rights in the service connection.

7. Learned counsel for the respondent submits that the respondent was asked to transfer the joint service connection in favour of his brother, however as his brother had sold the land, he had transferred it to the vendee of his brother. The initial application was made by the respondent in the year 1991. It is submitted that the respondent does not have a service connection in his name.

8. The present respondent, in fact, had sold his rights in the service connection in favour of the vendee of his brother. In fact, the court was considering the case on the basis that it is a joint service connection and the respondent should release his rights in



W.A.No.891 of 2024

favour of his brother and then the new connection may be provided.

However, the respondent sold his rights in the said joint service connection for a consideration, which we cannot appreciate.

9. Be that as it may, the appellants shall consider the seniority of the respondent's application of the year 1991 and thereafter give the service connection to the respondent.

The appeal is disposed of accordingly. There shall be no order as to costs. Consequently, C.M.P.No.6253 of 2024 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

19.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



WEB COPY



W.A.No.891 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.A.No.891 of 2024

19.03.2024