



WEB COPY



W.P.No.15610 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15610 of 2021

R.Murugan

...Petitioner

-Vs -

1. The Superintending Engineer,
TANGEDCO,
Vengikal, Tiruvannamalai – 606 604.

2. The Executive Engineer (O & M),
TANGEDCO,
Chetpet Town,
Tiruvannamalai District – 606 801.

3. The Assistant Electrical Engineer (O &M)/East,
TANGEDCO,
East Devigapuram, Chetpet Taluk,
Tiruvannamalai District – 606 902.

4. Renuka.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records of the third respondent dated 12.05.2021 made in letter No.U.Me.Po./East/Devikapuram/Ko/D.No.19/2021 and quash the same, consequently direct the third respondent to effect the name transfer of agricultural electricity service connection No.346-010-10/3 HP situated in



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a well in S.No.154/9A1 in Nachapuram Village, Chetpet Taluk, Tiruvannamalai District in favour of the petitioner forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents

For R1 to R3 : Mrs.Danial Mary,
Standing Counsel

For R4 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 12.05.2021, thereby rejected the request made by the petitioner seeking transfer of electricity service connection to his favour.

2. The case of the petitioner is that the property comprised in S.No.154/9A1 situated at Nachapuram Village, Chetpet Taluk, Tiruvannamalai District, has been provided with electricity service connection 346-010-10/3 HP along with other properties in survey No.145/1A1. These properties originally belongs to the petitioner's grandfather. Subsequently a suit was filed by the petitioner's father in O.S.No.1 of 2012 on the file of the Sub Court, Arani, for partition and it was decreed by the judgment and decree dated 31.10.2014. Final order was also passed on 01.04.2016. The property comprised in S.No.154/9A1 was allotted in respect of the petitioner's father share and



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the delivery was also effected in E.P.No.85/2017. The petitioner's father had enjoyed his share of the property along with service connected in the land comprised in S.No.154/9A1 under patta No.14991.

3. While being so, the petitioner's father had executed a partition deed and the said property was allotted in favour of the petitioner. Therefore, the petitioner submitted application for transfer of service connection before the third respondent. However, it was rejected on the ground that the fourth respondent filed suit in O.S.No.189 of 2021 on the file of the Sub Court, Arani, in respect of the subject property and it is pending. Aggrieved by the same, the petitioner filed the present writ petition.

4. The learned Standing Counsel appearing for the respondents submitted that the fourth respondent filed suit for declaration declaring that the decree passed in O.S.No.1 of 2012 as null and void and also for partition and to allot 1/3 share in her favour. However, no interim order has been passed in the main suit and it is pending for trial.

5. Heard the learned counsel appearing for on either side and



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perused the materials placed before this Court. Though notice served on the fourth respondent and her name also printed in the cause list, no one is appeared on behalf of her before this Court.

6. On perusal of records revealed that the allotment along with service connected has been stand in the name of the petitioner's father's brother. The petitioner's father already filed suit for partition in O.S.No.1 of 2012 and it was decreed. In fact, he was delivered possession in E.P.No.85 of 2017. Therefore, there was no impediment for the third respondent to transfer the electricity connected in favour of the petitioner, since no interim order has been passed in O.S.No. 189 of 2021.

7. That apart, the fourth respondent claiming title over the property on the ground that she is also having share in the suit property. As stated supra, the petitioner's father filed suit as against the fourth respondent's father and the same was decreed in favour of the petitioner's father. If the fourth respondent succeeded in her suit, she can very well approach the respondents. Therefore, the respondents 1 to 3 have no legal impediment to transfer the electricity connection in favour of the petitioner.



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8. In view of the above discussions, the impugned order cannot be sustained and it is liable to be dismissed. Accordingly, the order dated 12.05.2021 passed by the third respondent in letter No.U.Me.Po./East/Devikapuram/Ko/D.No.19/2021, is hereby quashed. The third respondent is directed to transfer the electricity service connection No.346-010-10/3 HP situated in a well in S.No.154/9A1 in Nachapuram Village, Chetpet Taluk, Tiruvannamalai District in favour of the petitioner forthwith.

9. With the above directions, the Writ Petition stands allowed.

There shall be no orders as to costs.

16.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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