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W.P.No.15255 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

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

W.P.No.15255 of 2020

and

W.M.P.Nos.19081 & 19085 of 2020

M.S.Kuppusamy

... Petitioner

-Vs-

1.The Superintending Engineer,
TANGEDCO,
Palladam,
Tiruppur District.

2.The Executive Engineer,
TANGEDCO,
Palladam,
Tiruppur District.

3.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Pongalur,
Tiruppur District.

4.The Assistant Engineer (Operation and Maintenance),
TANGEDCO,
Avinashipalayam Post,
Sakthi Nagar,
Tiruppur.

5.S.K.Palanisamy

... Respondents



W.P.No.15255 of 2020

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned order dated 29.09.2020 passed by the 4th respondent in KA.No.2.ME.PO/SAKTHINAGAR/CO./A no.062/2020 and to quash the same and thereby directing the 1 to 4th respondents to give agricultural electricity connection to the borewell situated at Survey No.248, situated in North Avinashipalayam Village, Tiruppur Taluk presently Tiruppur South Taluk, Tiruppur District.

For Petitioner	: Ms.Umme Ruman for Mr.S.P.Meenakshi Sundaram
For R1 to R3	: Mr.L.Jaivenkatesh, SC
For R4	: No appearance

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 29.09.2020, thereby rejected the request made by the petitioner seeking shifting of the electricity service connection from the land comprised in Survey No.247 to the land comprised in Survey No.248 situated at North Avinashipalayam Village, Tiruppur Taluk.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.15255 of 2020

WEB COPY

3. The petitioner and the fifth respondent had jointly purchased the agricultural lands comprised in Survey Nos.247 and 221/3 admeasuring 11.07 acres situated at North Avinashipalayam Village, Tiruppur Taluk, registered two sale deeds dated 29.11.2000 vide document Nos.1356 & 1357 of 2000. Ever since the date of purchase, the petitioner and the fifth respondent are in possession and enjoyment of the properties. In both the survey numbers, there are two borewells. In order to get electricity service connection, the petitioner and the fifth respondent had requested the respondents 1 to 4 for electricity service connection. Subsequently, the petitioner had purchased the property comprised in Survey No.248 admeasuring 7.96 acres situated at North Avinashipalayam Village, Tiruppur by a registered sale deed dated 09.12.2013 vide document No.3167 of 2013. Therefore, the petitioner made a request to shift the electricity service connection from the borewell situated in the land comprised in Survey No.247 to borewell situated in the land comprised in Survey No.248. However, the said request was rejected by an order dated 29.09.2020 on the ground that the land comprised in Survey No.247 stands in the name of the fifth respondent, i.e., while asking for transfer of electricity service connection



W.P.No.15255 of 2020

WEB COPY

from one survey number to another, both the lands should stand in the name of same person.

4. A perusal of the records reveals that the petitioner and the fifth respondent are joint owners of the property comprised in Survey No.247 and 221/3 admeasuring 11.07 acres. The borewell is situated in the land, under possession of the petitioner, comprised in Survey No.247.

5. In view of the above, the impugned order in KA.NO.2.ME.PO/SAKTHINAGAR/CO./A No.062/2020 dated 29.09.2020, is hereby quashed. The petitioner is directed to produce appropriate documents to show that the property comprised in Survey No.248 is owned by him and also no objection from the fifth respondent. On receipt of the same, the fourth respondent is directed to shift the electricity service connection from the land comprised in Survey No.247 to Survey No.248, situated at North Avinashipalayam Village, Tiruppur Taluk, if it is otherwise in order, in accordance with the Board Regulations.



W.P.No.15255 of 2020

6. In the result, this Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

12.04.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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WEB COPY



W.P.No.15255 of 2020

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W.P.No.15255 of 2020

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