



W.P.No.20726 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20726 of 2022
and WMP.No.19813 of 2022

Palanisamy

..... petitioner

Vs.

1.The Superintending Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Dharmapuri.

2.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Harur, Dharmapuri District.

3.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation, (south)
Harur, Dharmapuri District.

4.The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation, (south)
Harur, Dharmapuri District.

5.Kathiresan



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..... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records with respect of the impugned proceedings passed by the 4th respondent in Letter No.A.E/O.M/South/Harur/Ko.16/A.No.116/22-23 dated 12.07.2022 and quash the same and consequently direct the respondents 1 to 4 herein to grant electricity connection for the common well situated in Survey No.179/2A, at Pethadhampatty Village, Pappireddipatty Taluk, Dharmapuri District.

For petitioner : Mr.J.Pradeep
For Respondents :Mr.Swamy Subramanian
Standing Counsel (TNEB)
for R1 to R4
M/s.C.Prabakaran for R5

ORDER

This writ petition is filed challenging the order passed by the 4th respondent informing the petitioner that originally the 5th respondent herein applied for service connection in HA.No.14/2002-2003 for Well situated in SF.No.179/2A and thereafter, the 5th respondent filed an application seeking transfer of the said application in respect of some other survey number. Therefore, the 3rd respondent decided to effect transfer of the service connection in favour of 5th respondent's property. Aggrieved by



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the said communication, the petitioner has come before this Court.

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2. It is the case of the petitioner that an extent of 0.45 cents in S.No.179/2A was originally purchased by 5th respondent under sale deed dated 20.03.2002. Subsequently, the 5th respondent executed a settlement deed in favour of petitioner's father on 26.11.2001.

3. Subsequently, the petitioner's father executed a settlement deed in respect of 0.30 cents land in the above mentioned survey number, in favour of the petitioner on 18.10.2005. Thereafter, the petitioner and the 5th respondent applied for service connection in respect of Well situated in above survey number. Thus, when they applied for service connection for the Well situated in the above mentioned survey number, the 5th respondent was not full owner of the same. The petitioner filed a suit in O.S.No.135 of 2021, seeking declaration of his title and for mandatory injunction to official respondents to give electricity service connection in his name. The petitioner also filed another suit in O.S.No.135 of 2021, on the file of the District Munsif Court, Pappireddipatty, seeking injunction restraining the official respondents from giving service connection in favour of the 5th



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respondent, in respect of the different survey number namely S.No.167/8A instead of 179/2A, in respect of which, the application was originally filed by the 5th respondent. Both the suits filed by the petitioner are said to be pending. As mentioned earlier, the 5th respondent applied for service connection for the property in S.No.179/2A. Whether, the 5th respondent is entitled to seek transfer of service connection from the above mentioned survey number is a subject matter to be decided in the pending suit. Therefore, at this stage, the 3rd respondent is not entitled to effect transfer in favour of the 5th respondent. Accordingly, the impugned order passed by the 3rd respondent is set aside. The petitioner and the 5th respondent are given liberty to workout their remedies in the pending civil suits. Ultimately, the official respondents shall effect service connection as per the decree passed by the Civil Court.

4. With these directions, the writ petition stands disposed of.



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No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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S.SOUNTHAR, J.

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