



WEB COPY



W.P.No.24646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE **M. DHANDAPANI**

W.P.No.24646 of 2024

and

W.M.P.No.26970 of 2024

Vimala

...Petitioner

Vs.

1. The Chief Engineer/Distribution,
TANGEDCO,
Office at Anna Maaligai,
Olimohamdpet, Kancheepuram District.
 2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Acharapakkam, Kancheepuram District.
 3. The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Acharapakkam, Kancheepuram District.
 4. The Junior Engineer,
Operation and Maintenance,
TANGEDCO,
Elapakkam-603 201, Kancheepuram District.
- ...Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling upon the entire records which culminated in the order in Ku.Aa/No: Vu.Se.Po/ Eya/ Nagaram.Achi.Tho.Nu.Vu.Koo.Vivasayam Ennaippu Transfer/A.No.436/2024 dated 23.01.2024 on the file of the third respondent and the consequential proceedings bearing Ka.No.E.Po.E and Po. Elap.Koo.Kattu.A.No.329.2024 dated 21.03.2024 on the file of the fourth respondent, quash both the orders and consequently direct the respondents to forthwith effect shifting of the existing electricity service connection in the well attached to the land in Survey No.124/2C in Madhur village to the well attached with the land of the petitioner in Survey No.2/6B in Vilangdu village, Madhuranthagam Taluk, Kancheepuram District.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.L.Jai Venkatesh

ORDER

This Writ Petition has been filed by the petitioner seeking quashment of the order of the 3rd respondent in Ku.Aa/No:Vu.Se.Po/ Eya/ Nagaram.Achi.Tho.Nu.Vu.Koo.VivasayamEnnaippuTransfer /A.No.436/ 2024 dated 23.01.2024 and the consequential proceedings of the 4th respondent bearing Ka.No.E.Po.E and Po. Elap.Koo.Kattu.A. No.329.2024 dated 21.03.2024 and to consequently direct the respondents to forthwith effect shifting of the existing electricity service connection in the well attached to the land in Survey No.124/2C in



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Madhur village to the well attached with the land of the petitioner in Survey No.2/6B in Vilangdu village, Madhuranthagam Taluk, Kancheepuram District.

2. Mr.L.Jai Venkatesh, learned Standing Counsel takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, she is the owner of the lands comprised in S.No.124/2C, measuring an extent of 2 acres and 86 cents in Madhur Village, Maduranthagam Taluk and for the purpose of irrigating the lands, she had dug a well in the said land and on 24.12.2020, she had obtained Electricity Service Connection bearing No.537-012-328 IV for the well in the above said land, installed a 5 HP Motor and drawing water and using it for irrigating the agricultural lands. Since the water in the well in the above said land drained, the petitioner could not draw water using the electricity service connection and thereby, she dug a new well in her land comprised in S.No.2/6B and subsequently,



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she made an application seeking to shift the electricity service connection from S.No.124/2C to S.No.2/6B. However, the 3rd respondent rejected the application, vide impugned order dated 23.01.2024 on the ground that as per the amendments brought to the Tamil Nadu Electricity Distribution Code, for effecting shifting of the existing electricity service connection, the applicant must possess land more than 50 cents. Challenging the same, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner submitted that, Form-2 is only in respect of more than one bore well. However, the petitioner wants to transfer the existing service connection in her land in S.No.124/2C to her own land comprised in S.No.2/6B and thereby, Form-2 is not applicable to the petitioner. Further, already the officials made a recommendation in favour of the petitioner for shifting of the service connection, which was not taken into consideration by the 3rd respondent. Accordingly, he prayed for appropriate orders.



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5. Per contra, the learned counsel appearing on behalf of the respondents submitted that, as per Form-2 application form for Agriculture service connection issued in terms of Clause 27(2), it is mandated that, *"if any service connection, either fresh or transfer of service connection, the owner in S.F.No. must possess not less than 50 cents.* However, in the present case, the land in S.No.2/6B to which the petitioner sought for shifting of the existing service connection measures only an extent of 10 cents, which is less than the prescribed extent and, therefore, the 3rd respondent, vide impugned order, rejected the petitioner's application. It is not the case of the petitioner that the extent of the irrigatable land is more than 50 cents and the petitioner is entitled for shifting the service connection from the present borewell to a new borewell. When the shifting sought for by the petitioner is in direct conflict with 29 (2) of Board Proceedings, without challenging the same, the challenge made to the impugned order cannot be maintained. The rejection, therefore, cannot be said to be erroneous. Accordingly, he prayed for dismissal of this Writ petition.



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6. Heard learned counsel on either side and perused the material documents placed on record.

7. A perusal of the materials available on record makes it clear that, initially, the petitioner dug a well in her land comprised in S.No.124/2C and obtained Electricity Service Connection bearing No.537-012-328 IV for the same and as the water in the said well drained, the petitioner dug a new well in her land comprised in S.No.2/6B and subsequently, she made an application seeking to shift the existing electricity service connection in S.No.124/2C to S.No.2/6B, which came to be rejected by the 3rd respondent, vide impugned order dated 23.01.2024 on the ground that as per the amendments brought to the Tamil Nadu Electricity Distribution Code, for effecting shifting of the existing electricity service connection, the applicant must possess land more than 50 cents and the extent of the land to which the petitioner sought for shifting of service connection is less than 50 cents.



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8. For better appreciation, the relevant portion is extracted hereunder:

“ 27. Requisitions for Supply of Energy

(2)(d) If there is any change in the name of the ownership and/or S.F. Number, extent of land, change of location of well/bore well, a fresh application shall be made. Necessary approval for the change shall be accorded by the registering authority. Thereafter, the Section officer shall inspect the site and enter the particulars in readiness register.

29. Service Lines

(2)(b) Within a survey filed number or in a sub-divided field number, a person shall be given one agricultural service connection to each well/bore well, subject to the condition that the well/bore well are independent and physically separated from each other and the minimum extent of land to be irrigated from each well/bore well shall be 0.5 acre.

(C) More than one agricultural service connection shall be given to a well/bore well in a survey field number or in a sub-divided field number, in the name(s) of the co-owner(s) of the well/bore well, provided the co-worker(s) should own a extent of irrigated land of minimum 0.5 acre per service.



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9. Though the petitioner claims that she is not claiming more than one service connection, however, the fact remains that the irrigatable extent of land is only 10 cents, which is less than the extent mentioned in the 29 (2). In such a backdrop, the rejection of the application of the petitioner cannot be found fault with. Further, it is not the case of the petitioner that the extent of the irrigatable land is more than 50 cents and the petitioner is entitled for shifting the service connection from the present borewell to a new borewell. When the shifting sought for by the petitioner is in direct conflict with 29 (2) of Board Proceedings, without challenging the same, the challenge made to the impugned order cannot be maintained. The rejection, therefore, cannot be said to be erroneous. The respondent has rightly dismissed the application and, therefore, no interference is warranted with the same.

10. With the above direction, this Writ petition stands disposed of. However, liberty is granted to the petitioner to make a fresh application seeking transfer of the service connection upon fulfilment of the condition mandated u/s 29 (2) and if such application is filed, it is



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open to the respondents to consider the same in accordance with law and pass appropriate orders, after affording opportunity to the petitioner. No costs. Consequently, the connected Miscellaneous petition is closed.

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(2/2)

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

Note of office: Issue order copy on 05.12.2024.

To

1. The Chief Engineer/Distribution,
TANGEDCO,
Office at Anna Maaligai,
Olimohamdpet, Kancheepuram District.
2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Acharapakkam, Kancheepuram District.
3. The Assistant Executive Engineer,
Operation and Maintenance,
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4. The Junior Engineer,
Operation and Maintenance,
TANGEDCO, Elapakkam-603 201, Kancheepuram District.



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W.M.P.No.26968 of 2024

in

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M.DHANDAPANI, J.

Dispense with ordered for the
present.

29.08.2024

($\frac{1}{2}$)

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