



W.P.No.29330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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P.Rajendiran

... Petitioner

Vs.

- 1.The Chairman/Managing Director,
Tamilnadu Electricity Generation & Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai.
- 2.The Superintending Engineer,
Tamilnadu Electricity Generation &
Distribution Corporation Ltd.SEDC/Central Office,
Udayapatty, Kamaraj Nagar Colony,
Salem – 636 014.
- 3.The Assistant Engineer,
Tamilnadu Electricity Generation & Distribution Corporation Ltd.,
Kothampady Office, Kalpaganur Post,
Attur Taluk, Salem – 636 109.
- 4.The Inspector of Police,
Attur Police Station Rural,
Salem District – 636 012.
- 5.Selvambal @ Sellammal @ Selvammal
- 6.Sakkaraiyammal



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7.Venkatesan

8.Nagaraj

9.Arjunan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in relation to the impugned letter dated 13.06.2024 vide Ka.No.Uo/Po/E&Pa/Pu/Na/Na/Puram/VaUa/Go.Complaint.Petition/A.No.024-24-25 and the subsequent letter dated 16.07.2024 vide Ka.No.:Uopo/E&Pa/Pu.Na/NaPuram/Va.Uo/Go/MakuT.Complaint/A.No.003/24-25 and quash the same as illegal and invalid and consequently direct the respondents 1 to 4 relocate/shift with police protection the Service Connection No.5600-004-502 which is in the name of the petitioner from S.No.75/5 to Survey No.75/3 which is situated at Kothampadi Village, Attur Taluk, Salem District.

For Petitioner : Mr.M.R.Vivekananthan

For Respondents : Mr.I.Syed Sibghatulla
Standing Counsel [R1 to R3]
Mr.L.Baskaran
Government Advocate (Crl.Side) [R4]



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ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in relation to the impugned letter dated 13.06.2024 vide Ka.No.Uo/Po/E&Pa/Pu/Na/Na/Puram/VaUa/Go.Complaint.Petition/A.No.024-24-25 and the subsequent letter dated 16.07.2024 vide Ka.No.:Uopo/E&Pa/Pu.Na/NaPuram/Va.Uo/Go/MakuT.Complaint/A.No.003/24-25 and quash the same as illegal and invalid and consequently direct the respondents 1 to 4 relocate/shift with police protection the Service Connection No.5600-004-502 which is in the name of the petitioner from S.No.75/5 to Survey No.75/3 which is situated at Kothampadi Village, Attur Taluk, Salem District.

2. The case of the petitioner is that, he is the absolute owner of the agricultural lands in S.No.75/5 and S.No.75/3. He obtained a free agricultural service connection in S.No.75/5 and since the well is dry, he decided to shift the electricity service connection from S.No.75/5 to S.No.75/3, accordingly, he made representations. Thereafter, the 3rd



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respondent has sent a letter dated 13.06.2024 stating that the respondents 7 to 9 have objected to the shifting of the electricity service connection and the respondents 5 and 6 have filed a suit for partition in O.S.No.126 of 2019. Further, the letter stated that until the objections are cleared, the official respondents shall not be able to carry out the work for shifting of the electricity service connection. Based on the further representation, the 3rd respondent issued another letter dated 16.07.2024 reiterating the above stand. Challenging the above letters, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submitted that, the agricultural lands is joint family properties and by way of partition suit, the petitioner obtained the same from the other family members. Thereafter, he made an application for shifting the free electricity service connection from S.No.75/5 to S.No.75/3, however, the same was rejected on the ground that the respondents 5 and 6, who are the sisters of the petitioner, have made objection for transfer of electricity service connection, which is wholly unsustainable. Accordingly, he prays for allowing the writ petition.



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4. Learned Standing Counsel appearing for the respondents 1 to 3 submitted that the agricultural land in S.No.75/3 is a joint family property and unless the petitioner obtains NOC from his sisters, he is not entitled to make application seeking transfer of electricity service connection from one survey number to another. Therefore, the 3rd respondent had passed the impugned orders rejecting the application of the petitioner, which is *per se* sustainable and the same does not require any interference. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner and the respective learned counsel appearing for the respondents 1 to 3 and 4 and perused the materials available on record.

6. Admittedly, the petitioner obtained a free electricity service connection in the agricultural land in S.F.No.75/5 and subsequently, he made an application seeking transfer of electricity service connection from S.F.No.75/5 to S.F.No.75/3. However, it is seen from the records that the agricultural land in S.F.No.75/3 is a joint family property,



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thereby, the respondents 5 and 6 made objection for the said transfer.

From the above, it is seen that it is purely a civil dispute in between the petitioner and his family members, therefore, unless this civil dispute is resolved before the competent civil court, the prayer sought for by the petitioner before the respondent-electricity board is not maintainable. Hence, this court is not inclined to interfere with the impugned orders and this writ petition is liable to be dismissed.

7. Accordingly, this writ petition is dismissed. However, this order will not stand in the way of the petitioner to proceed further in this regard, if he is able to prove that the agricultural land in S.F.No.75/3 exclusively belongs only to him by producing the title deed before the respondents 1 to 3 and if the petitioner proves his title, the respondents 1 to 3 are directed to consider the same and pass appropriate orders on merits and in accordance with law. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

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M.DHANDAPANI, J.

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