



W.P.No.30075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.30075 of 2024
and W.M.P.No.32770 of 2024**

Shivam Charitable Trust,
Represented by Chairman and Secretary,
I.K.Sadhasivam,
S.S.Nagar, Mulakadu Village,
Mettur Taluk-636 452,
Salem District.

... Petitioner

Vs.

1.The Assistant Engineer,
Operation and Maintenance,
Kolathur(South),
TANGEDCO,
Mettur Taluk.

2.Senthivelu

....Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent pertaining to the proceedings in Ka.No.U Po/E and Pa/South/Ko/Ko.Thani/A.No.115/2024 dated 19.08.2024 and quash the same and consequently, direct the first respondent to mutate the Electricity Service Connection No.103-009-2183-TF-V in the name of the petitioner.

For Petitioner : Mr.T.Deeraj
for M/s.PV Law Associates

For Respondents : Mr.I.Syed Sibghatulla
for R1
NDW-R2

ORDER

This Writ Petition has been filed challenging the proceedings in Ka.No.U Po/E and Pa/South/Ko/Ko.Thani/A.No.115/2024 dated 19.08.2024 issued by the first respondent and for a consequential direction to the first respondent to mutate the Electricity Service Connection No.103-009-2183-TF-V in the name of the petitioner.



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2. The learned counsel appearing for the petitioner submits that the petitioner Trust is running in S.Nos.50/2 and 67/3D1, Mulakadu Village, Mettur Dam. Originally, the service Connection was obtained in the name of the second respondent, who was the erstwhile Chairman of the petitioner Trust and thereafter, the petitioner submitted the online application for name transfer on 19.12.2023, however, it was rejected vide impugned order dated 19.08.2024. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that though join patta stands in the name of the second respondent, it is not sufficient to hold that the second respondent is alone entitled for electricity connection, since the join patta was given wrongly in favour of the second respondent.



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4. The learned counsel appearing for the first respondent submits that the name of the second respondent has been mentioned in the join patta and unless the issue is resolved before the civil Court, the petitioner is not entitled for transfer of electricity connection in their name.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

6. Considering the facts and circumstances of the case and the fact that it is a civil dispute between the petitioner Trust and the second respondent and that the join patta is standing in the name of the second respondent, the subject issue has to be decided only before the civil Court and therefore, the impugned order passed by the first respondent cannot be interfered with by this Court. However, liberty is granted to the petitioner to work out their remedy before the civil Court. If the petitioner succeeds before the civil Court, liberty is granted to the petitioner to file an application before the concerned Authority for getting service connection.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

17.10.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Assistant Engineer,
Operation and Maintenance,
Kolathur(South),
TANGEDCO,
Mettur Taluk.



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M.DHANDAPANI, J.

ssb

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