



W.A(MD)No.961 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.961 of 2024
and
C.M.P(MD)No.6868 of 2024**

Soliammal

... Appellant

vs.

1. Kandasamy

2. The Superintendent of Engineer,
TANGEDCO,
Karur.

3. The Executive Engineer Rural,
Karur TANGEDCO,
TNEB Complex,
No.3, Kovai Road,
Karur.

4. The Assistant Executive Engineer(Rural),
TANGEDCO,
Operation and Maintenance,
Karur.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 26.03.2024 made in W.P(MD)No.28518 of 2023.



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For Appellant : Mr.M.P.Senthil
For R2 to R4 : Mr.S.Deenadhayalan, Standing Counsel

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JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This intra-court appeal has been directed against the order passed by the Writ Court dated 26.03.2024 made in W.P(MD)No.28518 of 2023.

2. That, in Survey No.65/10B measuring to an extent of 2.14 cents situated at Kodaiyur Village, Aravakurchi Taluk, Karur District, there has been a patta land belongs to the 1st respondent, where, he dug a well. In order to get service connection to have a motor pump to fetch water from the well dug by him, the 1st respondent approached the TANGEDCO, where since there had been an objection from the appellant that, no service connection should be given to the 1st respondent, the service connection since has not been given, in order to get such service connection from the TANGEDCO, the 1st respondent had approached the Writ Court, by filing the said writ petition in W.P(MD)No. 28518 of 2023.

3. The learned Judge, who heard the writ petition, in view of the objection that has been raised by the appellant who stood as 4th respondent in



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the said writ petition, had appointed an advocate commissioner and advocate commissioner had filed a report stating that, there has been a common well, but that has not been put to use or it is abandoned. Insofar as the 1st respondent herein who was the writ petitioner is concerned, he has dug the well in his patta land, for such well only, now the service connection has been sought for.

4. Insofar as the appellant who stood as 4th respondent in the writ petition is concerned, she is also having her own well in her patta land which is not objected by the 1st respondent.

5. This factual matrix having been recorded, the learned Judge has shown indulgence to give a direction to the TANGEDCO to give service connection to the 1st respondent/writ petitioner in the said order dated 26.03.2024, which is impugned herein.

6. Mr.M.P.Senthil, learned counsel appearing for the appellant would submit that, the appellant has already filed a civil suit in O.S.No.51 of 2023, where, she sought for a bare injunction restraining the 1st respondent from interference with regard to the property being enjoyed by the appellant.



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7. We have seen the prayer that has been sought for in the plaint in the suit in O.S.No.51 of 2023 and even if such an injunction prayer is allowed, that would no way hamper the prospects of the 1st respondent to seek for separate service connection for the well that has been dug by him, as he has dug the well only in his patta land, for which, there could be no plausible objection from any quarters including the appellant.

8. Therefore, the conclusion reached by the learned Judge through the impugned order cannot be found fault with. Accordingly, it is to be sustained. In the result, this Writ Appeal fails. Hence, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (G.A.M., J.)
11.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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