



W.P.(MD)No.13295 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.13295 of 2024

and

W.P.(MD)No.11758 & 11760 of 2024

A.Kalavathy

... Petitioner

Vs.

1. The Executive Engineer,
O/o.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
Tirumangalam,
Madurai District.

2. The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
T.Kallupatti,
Madurai District.

3. The Assistant Engineer,
O/o.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Peraiyur,
Madurai District.

4. Chinnasamy

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Ka.No.Se.Po/Pa/Thiru/Tho.Nu.Vu/Ko.Pu.Manu/A.No. 863/2024 dated 26.03.2024 of the 1st respondent herein and the consequential impugned order in Ka.No.Vu.Mi.Po/Pagir/Peraiyur/Va.Aa/Ko.Pu.Ma/A.No./2024 dated 26.04.2024 of the 3rd respondent herein and quash the same as illegal and consequently direct the respondents 1 to 3 herein to transfer the free agricultural electricity service connection bearing No.141-017-123 situated in Survey No.122/12 in Chinnapoolampatti and Mathakarai Villages, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.VRajiv Rufus

For Respondents : Mr.S.Deenadhayalan (R1 to R3)

Standing Counsel

Mr.K.K.Samy (R4)

ORDER

This writ petition has been filed challenging the order passed by the respondent Corporation rejecting the petitioner's petition seeking to disconnect the joint agricultural connection, which stands in the name of the father-in-law of the petitioner, who is the father of the fourth respondent, namely one Vembadithevar.



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2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The agricultural electricity service connection bearing No. 141-017-123 in S.No.122/12, in Chinnapoolampatti and Mathakarai Villages, Peraiyur Taluk, Madurai District stands in the name of Vembadithevar @ Karuppathevar, who has passed away on 06.01.1996. Even after his death, his children more particularly, the husband of the petitioner and the fourth respondent were jointly utilizing the said agricultural electricity service connection for the purpose of carrying out agriculture in their respective shares.

4. It is the plight of the petitioner that after the death of the petitioner's husband on 04.12.2018, the fourth respondent is not allowed to utilize the agricultural electricity service connection for the purpose of drawing water from the joint well. Hence the petitioner made a complaint before the respondent corporation to disconnect the said electricity service connection, which stands in the name of Vembadithevar @ Karuppathevar and provide her with electricity service connection afresh.



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5. The learned standing counsel appearing for the respondent corporation on instructions submitted that the petitioner's complaint as far as disconnecting the electricity service connection which was provided in the name of petitioner's father-in-law, cannot be outrightly considered without hearing the objections of the fourth respondent. However, there is a facility, which is normally available with the respondent corporation that the petitioner can make an application for change over system in the existing electricity service connection so that she can utilise this electricity service connection along with the fourth respondent without any dispute.

6. The learned counsel appearing for the fourth respondent was required by this Court to get specific instructions from the fourth respondent that if both the petitioner and the fourth respondent can utilise the electricity service connection without any dispute by sharing method of utilizing the same for certain period.

7. The learned counsel appearing for the fourth respondent on instructions submitted that the fourth respondent had already spent a substantial amount of Rs.2,45,000/- in dredging the well and for installing 3HB motor in



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the said land and if the petitioner contributes an equal amount of the expenditure incurred by the fourth respondent, he would facilitate her from using the same.

8. It is also brought to the notice of this Court that a civil suit in OS No. 367 of 2023 on the file of the Sub Court, Tirumangalam is pending between the petitioner as well as the fourth respondent for partition, permanent injunction and enjoyment of water from the well with electric motor in the property comprised in S.No.122/12, in Chinnapoolampatti and Mathakarai Villages, Peraiyur Taluk, Madurai District.

9. When the learned counsel appearing for the petitioner was required to respond on the submission made by the fourth respondent counsel, he submitted that the claim of the fourth respondent that they have drudged the well and installed a new motor is absolutely incorrect and only for the purpose of this case, the said submission is made. He further submitted that the petitioner is a widow and her daughter also got married.

10. Considering the fact that the petitioner is not willing to contribute anything towards the expenditure as submitted by the learned counsel



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appearing for the fourth respondent, this Court hereby direct the petitioner to install her own motor in the said well and thereafter, the petitioner shall make an application for change over system in the existing electricity service connection. On receipt of such application, the respondent corporation is directed to provide change over system facility to the petitioner so that she can utilise the electricity service connection in the same well in the same service connection. However, this Court is not observing anything as to the title, possession and merits of the civil suit pending before the Sub Court, Tirumangalam. This Court further directs the Sub Court, Tirumangalam to expedite the aforesaid suit in OS No.367 of 2023 within a period of six months from the date of receipt of a copy of this order.

11. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

NCC : Yes / No
Index : Yes / No

Copy To:-

1.The Sub Court, Thirumangalam.



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TO:-

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.13295 of 2024

Dated
11.12.2024