



WP(MD)No.9406 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.9406 of 2017
and
WMP (MD) No.7155 of 2017

Karunakaran

... Petitioner

Vs

1.The Assistant Divisional Engineer,
TNEB Mathur and Post,
Kulathur Taluk,Pudukottai District.

2.The Assistant Engineer,
TNEB at Nallor and Post,
Kulathur Taluk,Pudukottai District.

3.Karuppaiah

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus thereby directing the respondent No.1 to give electricity supply by providing change over switch from electricity service connection from SF.No.314 / 2A of Kalamavoor Village, Pudukottai District.

For Petitioner : Mr.G.Kandha Vadivelan

For Respondent : Mr.S.Deenadhalayan

Nos.1 and 2

Standing Counsel



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ORDER

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The petitioner, an agriculturist is having a Well in S.No.314/2, Kalamavoor Village. By a settlement dated 30.08.2010, he has given half a portion of the land to his brother / 3rd respondent herein. Therefore the survey number has been sub-divided into S.Nos.314/2A and 314/2B. The well is situated at 314/2B. The petitioner is in possession of 314 /2A. Therefore the petitioner has approached the respondent for free electricity connection for the land in 314/2A also. He has submitted an application and has also approached this Court for a mandamus directing the respondent to give electricity service connection by providing change over ie., free electricity service connection for survey No.314/2A.

2.The learned Standing Counsel appearing for the electricity board submits that the service connection, which was provided to S.No.314/2A is a free electricity service connection. The petitioner



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is also having a separate service connection for his land in S.No.314/2A, ie., paid service connection.

The petitioner is now attempting to get another service connection by creating a settlement deed among the brothers and seeking for a new connection, which is not permissible and it cannot be effected as per the the Regulation No.29(e) of the Tamil Nadu Electricity Distribution Code.

3.The learned Counsel for the petitioner submits that the change over is permissible under the Tamil Nadu Electricity Supply Code. However the respondents have not considered the application.

4.This Court has considered the rival submissions and perused the materials placed on record.

5.The petitioner has made an application for change over of the electricity service connection, but the application is pending without being any orders passed. The 2nd respondent shall take a



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decision on the petitioner's application in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

13.02.2024

Internet : Yes / No

DSK

To

- 1.The Assistant Divisional Engineer,
TNEB Mathur and Post,
Kulathur Taluk,Pudukottai District.
- 2.The Assistant Engineer,
TNEB at Nallor and Post,
Kulathur Taluk,Pudukottai District.



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B. PUGALENDHI , J .

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