



W.P(MD)No.28888 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28888 of 2023

1.Palaniappan

2.N.Alagesan

3.N.Ramasamy

4.Arasappan

5.Periyasamy

6.C.Palanisamy

... Petitioners

**Vs.**

1.The District Collector,  
Karur District.

2.The Executive Engineer,  
(Operation & Maintenance)  
Tamil Nadu Generation and Distribution Corporation,  
Uppidamangalam, Puliur,  
Karur District.

3.The Assistant Executive Engineer,  
(Operation & Maintenance)  
Tamil Nadu Generation and Distribution Corporation,  
Uppidamangalam, Puliur,  
Karur District.

4.N.Chinnasamy

... Respondents



W.P(MD)No.28888 of 2023

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records in letter No. U/Se/Po/EKa/Puliyur/Va.Aa/Koo.Compliant/A. No. 735/2022-2023 dated 17.02.2022 signed on 17.02.2023 on the file of the 3rd respondent and quash the same as illegal, consequently direct the respondents to shift service connection bearing No.007/011/1115 from S. No.566 to 507/3, Uppidamangalam West Part, Karur Taluk, Karur District within time frame to be fixed by this Court.

For Petitioners : Mr.S.Kumar

For Respondents : Mr.D.Gandhiraj  
Special Government Pleader for R1

: Mr.S.Deenadhayalan for R2 & R3

### **ORDER**

Heard both sides.

2. The petitioners and the fourth respondent are co-owners of the petition mentioned well located in Survey No.507/3, Uppidamangalam Village. The agricultural electricity service connection in respect of the said well stood in the name of the fourth respondent. The fourth respondent subsequently shifted the said connection for his bore well comprised in Survey No.566. This was done without the consent of the petitioners herein. The petitioners therefore applied to the third respondent for re-shifting the service connection to Survey



W.P(MD)No.28888 of 2023

No.507/3. The said request was rejected vide communication dated 17.02.2023.

The petitioners were informed that after getting indemnity bond from the 4<sup>th</sup> respondent, the connection was shifted. It is also stated that earlier connection stood in the name of the fourth respondent. Challenging the stand of TANGEDCO, the present writ petition came to be filed.

3. The learned counsel for the fourth respondent filed typed set of papers and emphasized the fact that earlier connection stood in his name and that only after complying with the requirement set out in Tamil Nadu Electricity Distribution Code, shifting was done. He called upon this Court to sustain the impugned communication and dismiss the writ petition.

6. I carefully considered the rival contentions and went through the materials on record.

7. The fourth respondent did not obtain electricity service connection in his name for the first time in respect of the bore well comprised in Survey No. 566. It was shifting of an existing service connection. The service connection was given way back in the year 1987 in respect of the common well in Survey No.507/3. Admittedly, the said well is a common well. The petitioners are the co-owners along with the fourth respondent.



W.P(MD)No.28888 of 2023

WEB COPY

8. The learned standing counsel for TANGEDCO clarifies that the service connection will be granted in the name of only one person. But then, he has to obtain consent from the co-owners. At present, such connections are given after obtaining an indemnity bond. During the relevant time, consent was insisted upon. When for getting connection in the first instance, consent was obtained from the co-owners, for shifting also, the same procedure has also to be adopted. If such requirement is not insisted upon, the person in whose name the connection is standing can shift it to some other land thereby prejudicing the interest of the co-owners. This cannot be permitted. Therefore, the impugned communication is set aside.

9. The third respondent is directed to re-shift the connection back to the common well comprised in Survey No.507/3. The common well of-course continue to stand in the name of the fourth respondent. The position that earlier obtained will continue. The petitioner shall bear the cost of shifting. The Writ Petition is allowed on these terms. No costs.

**29.02.2024**

Index : Yes / No  
Internet : Yes/ No  
rmi



**W.P(MD)No.28888 of 2023**

To

WEB COPY

The District Collector,  
Karur District.



WEB COPY



W.P(MD)No.28888 of 2023

**G.R.SWAMINATHAN, J.**

rmi

W.P(MD)No.28888 of 2023

29.02.2024