



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 9924 of 2024

1. A.Kumar

S/o (late) Andiyappan Panangkattur,
Pappambadi Village Chinnappampatty
Post Omalur Taluk, Salem District

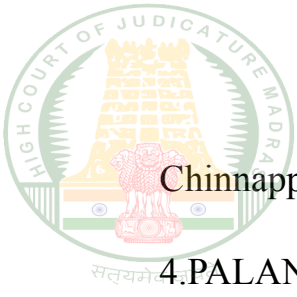
Petitioner(s)

Vs

1. The Executive Engineer (O And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO) Omalur, Salem District

2.The Assistant Executive Engineer (O
And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO) Tharamangalam,
Salem District

3.The Assistant Engineer (O And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO), Pappambadi Section,



Chinnappampatty, Salem District

4.PALANISAMY

WEB S/O Vaiyapuri, Panangkattur,
Pappambadi Village, Chinnappampatty
Post, Omalur Taluk, Salem District

Respondent(s)

PRAYER

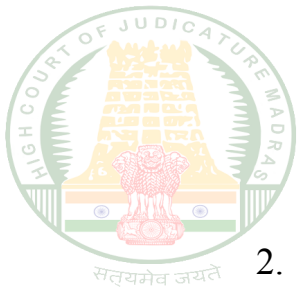
Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the Respondents 1 to 3 to provide the agricultural electricity service connection to the common open well situated in Survey No 180/4F in Patta No. 1137 located at Pappambadi village, Omalur taluk, Salem district by considering the petitioners application No 1370319309 (DAP 70) dated 29.04.2009, within the time to be stipulated by this Court.

For Petitioner(s): G. Ambika

For Respondent(s): M/s. I. Syed Sibgathulla, for R1
to R3
M/s. G.Gopalakrishnan For R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus to respondents 1 to 3 to act upon the application submitted by the petitioner on 29.04.2009 wherein the petitioner is seeking for providing agricultural electricity service connection in the common open well.

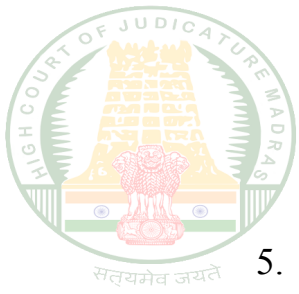


WEB COPY

2. Heard M/s.G. Ambika, learned counsel for the petitioner and M/s. I. Syed Sibgathulla, learned counsel for Respondents 1 to 3 and M/s. G.Gopalakrishnan, learned counsel for 4th respondent.

3. The case of the petitioner is that there is an open well situated in Survey No.180/4F. The petitioner's father applied before the 1st respondent to provide agricultural electricity service connection on 29.04.2009. He was waiting for his seniority and in the meantime, he died. Hence, the petitioner started following up with the application and his seniority reached before the 1st respondent on 20.01.2022 and the petitioner was asked to register his readiness and willingness. The petitioner registered his readiness and willingness and also executed an Indemnity bond on 19.12.2022. In spite of the same, the respondents failed to provide service connection by stating that objections have been raised by the 4th respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The respondents 1 to 3 have filed a counter affidavit. They have stated that the property along with the well is jointly owned by parties and hence, unless the petitioner is able to get the consent from the 4th respondent, no service connection will be provided. Therefore, the respondents 1 to 3 are willing to provide service connection on the condition that the 4th respondent must give consent.



WEB COPY

5. The 4th respondent has filed a counter affidavit and he has taken a stand that the well in question is a very small well and at present, diesel is being used to pump out water and if the electric pump is utilised to draw water, the entire well will drain up. The 4th respondent has taken a further stand that he has filed a suit in OS No.247 of 2021 before the District Munsif Court, Omalur, seeking for the relief of permanent injunction restraining the electricity board from granting any service connection to the petitioner and others and during the pendency of this suit, the present writ petition has been filed and the same is not maintainable. The 4th respondent apprehends that if electricity service connection is granted and the electric pump is permitted to be used, the well will get dried up and as a result, the agricultural lands which are dependant on the water from the well will also get dried up. Hence, the 4th respondent has sought for dismissal of this writ petition.

6. The issue that arises for consideration is as to whether the respondents 1 to 3 must be directed to provide agricultural electricity service connection for the common well, in the name of the petitioner.

7. It is not in dispute that a suit has been filed by the 4th respondent before the concerned Court seeking for the relief of permanent injunction not to grant any service connection in the name of the petitioner and others. What has been sought for by the petitioner is the free agricultural electricity service



connection. This process has been going on from the year 2009 and ultimately, the seniority was reached only in the year 2022. On the seniority being reached, the petitioner has already registered his readiness and willingness and also executed an Indemnity bond dated 19.12.2022. If ultimately, the service connection is not effected, the petitioner and others will lose an opportunity for getting free agricultural electricity service connection and that will not be in the interest of any of the parties.

8. In view of the above, in order to maintain a balance, as a temporary measure, it will be appropriate to direct the service connection to be given in the joint name of the petitioner and the 4th respondent. Whoever was using the well for drawing the water can continue to draw water from the well and neither the petitioner nor the 4th respondent will restrict the usage of water from the well. The petitioner and the 4th respondent will keep in mind that their agricultural lands are dependent on the water that is drawn from the well and if that water is drawn indiscriminately, the petitioner and the 4th respondent and others will be the losers. Therefore, better sense must prevail for the petitioner and the 4th respondent.

9. In the result, there shall be a direction to the 3rd respondent to grant agricultural electricity service connection in the joint name of the petitioner and the 4th respondent by imposing necessary conditions for proper utilisation of the water from the well. It shall be a temporary measure and the same will not have



any bearing in the pending suit in OS No.247 of 2021 before the District Munsif Court, Omalur and the same will be decided on its own merits and in accordance with law. This process shall be completed by the 3rd respondent within a period of six weeks from the date of receipt of a copy of this order.

10. In the result, this writ petition is disposed of in the above terms. No costs.

03-07-2025

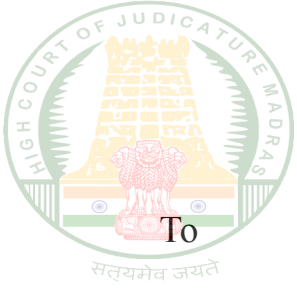
rka

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

1.The Executive Engineer (O And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO) Omalur, Salem District

2.The Assistant Executive Engineer (O
And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO) Tharamangalam, Salem
District

3.The Assistant Engineer (O And M)
The Tamil Nadu Generation And
Distribution Corporation Limited
(TANGEDCO) Pappambadi Section,
Chinnappampatty, Salem District

4.PALANISAMY
S/o Vaiyapuri Panangkattur,
Pappambadi Village, Chinnappampatty
Post, Omalur Taluk, Salem District



WEB COPY

WP No. 9924 of 2024



N.ANAND VENKATESH J.
rka

WP No. 9924 of 2024

03-07-2025