



W.P.(MD).No.3031 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3031 of 2025

and

W.M.P.(MD)No.2140 & 2141 of 2025

K.Muthupandi

... Petitioner

-vs-

1. The Chairman of Tamilnadu Electricity Board,
144-Annasalai TNEB Office,
Chennai - 600002.

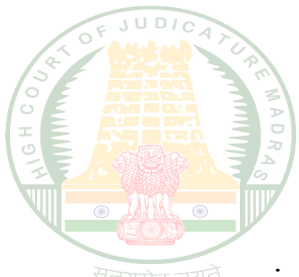
2. The Executive Engineer,
Tangedco Usilampatti,
Madurai.

3. The Assistant Engineer,
Tangedco Uthappanainakanur,
Usilampatti, Madurai.

4. P.Durai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the Impugned Order of the 2nd respondent in Ka.No/ Se.Po/Pa/Usilai/ Tho.Nu.Vu/ Komanu/ A.No.074/2025 dated 10.01.2025 and quash the same as illegal, incompetent an without jurisdiction and further consequentially direct the respondents 1 to 3 to disconnect the unauthorized shifting of agricultural



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service existing connection Consumer Bearing No.179-005-980 dated 11.12.2024 in favour the 4th respondent for the new bore well in respect joint property in survey number 144/1 situated at Panamoopanpatti village, Reddiyapatti, and Eravapatti post, Usilampatti Taluk, Madurai, till the disposal of the main writ petition.

For Petitioner : Mr.S.Mohamed Azharudeen Sharof

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

Standing Counsel

Mr.M.Shahul Hameed (R4)

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent in Ka.No/ Se.Po/Pa/Usilai/ Tho.Nu.Vu/ Komanu/ A.No. 074/2025 dated 10.01.2025 with a further direction to the respondents 1 to 3 to disconnect the unauthorized shifting of agricultural service existing connection bearing No.179-005-980 dated 11.12.2024 given in favour of the 4th respondent for the new bore well in respect of the joint property in S.No. 144/1 situated at Panamoopanpatti village, Reddiyapatti, and Eravapatti post, Usilampatti Taluk, Madurai, till the disposal of the main writ petition.



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2. The case of the petitioner is that the fourth respondent, with consent of the petitioner and other co-owners obtained electricity service connection for the common borewell in respect of the agricultural ancestral property, in the year 2002. While this being so, the fourth respondent illegally put up another borewell without getting consent from the petitioner and other co-owners, for which he made an application for shifting of existing electricity service connection to the second borewell also and obtained the same by influencing the authorities by order dated 10.01.2025, which is impugned herein.

3. The learned counsel appearing for the petitioner submits that the petitioner and other co-owners have not given any consent for the second borewell and for shifting of existing electricity service connection. Without considering the said fact, the second respondent issued the existing electricity service connection to the second borewell, which is in violation of the Tamil Nadu Electricity Distribution Code and hence, he seeks for quashment of the impugned order.

4. Heard the learned counsels on either side and carefully perused the entire materials available on record.



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5. This Court, in the case of ***K.Thangavel*** vs. ***Assistant Engineer, Operation and Maintenance, TANGEDCO and others*** reported in ***2019 SCC OnLine Mad 36000*** held as follows:-

“33.To sum up, clauses 5, 6 (1) of the Tamil Nadu Supply Code and Clause 37 of the Tamil Nadu Electricity Distribution Code deal with cost of shifting service line structure and equipment in case of shifting. It states that the shifting will be taken up only after the payment made by the consumer. So, both Clause 37 of the Electricity Distribution Code as well as Clauses 5, 6 of the Tamil Nadu Electricity Supply Code relate to charges to be levied when shifting is ordered. This has to be preceded with an application for shifting as prescribed under Clause 27(2) of the Tamil Nadu Electricity Distribution Code. When the statute mandates that application must be only as per the format prescribed under the Code, there is no duty cast upon the respondents 1 to 3 to entertain any request or application which is not in the prescribed format or which is not annexed with required documents or without the consent of the co-owners.

34.When admittedly, the land in S.No.424/1 jointly owned by few others including the fourth respondent and when the fourth respondent has objected for shifting the service connection to a place which falls within the survey number for which he is a co-pattadarar, this Court finds that though the



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petitioner is entitled for shifting of the existing service connection from the dried bore Well to a live bore Well, such shifting can be done only on proper application along with proper documents and consent of the co- owners, as it was done earlier in the year 2011 based on the application of the petitioner along with the consent of the co-owners and revenue documents. There cannot be any deviation in the said procedure.”

6. Thus, in the case on hand, the process of shifting electricity service connection can be done only on proper application along with proper documents and consent of the petitioner and other co-owners and also based on the revenue documents, as it was done earlier in the year 2002. There cannot be any deviation in the said procedure. However, by way of impugned order, the second respondent has shifted the existing electricity service connection to the second borewell of the fourth respondent, without the consent of the petitioner and other co-owners. Hence, the impugned order is liable to be set aside.

7. In view of the above, the impugned order dated 10.01.2025 is set aside and this writ petition is disposed of. The official respondents are directed to look into the matter afresh and pass a speaking order on merits and



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in accordance with law, after affording an opportunity of hearing to the petitioner and the fourth respondent, as well as other co-owners, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
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TO:-

1. The Chairman of Tamilnadu Electricity Board,
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2. The Executive Engineer,
Tangedco Usilampatti,
Madurai.
3. The Assistant Engineer,
Tangedco Uthappanainakanur,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.3031 of 2025

Dated:
21.03.2025