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W.P.No.16499 of .

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 16499 of 2025

B.Duraisamy

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep by the Secretary to the Government

Energy Department

Secretariat, Chennai-600 009

2.The Superintendent Engineer

(TNPDCCL) Previously Known as TANGEDCO

Vellore Electricity Distribution Circle

Vellore

3.The Executive Engineer

(TNPDCCL) Previously Known as TANGEDCO

Operation and Maintenance,

Sholinghur, Ranipet District

1/11



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4.The Assistant Executive Engineer
(TNPDCCL) Previously Known as TANGEDCO
Enforcement, Vellore

5.The Assistant Executive Engineer
Operation and Maintenance,
(TNPDCCL) Previously Known as TANGEDCO
Kaveripakkam,
Ranipet District-632 508

6.The Junior Engineer Operation and Maintenance,
(TNPDCCL) Previously Known as TANGEDCO
Town Panapakkam,
Ranipet District

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for records in impugned letter No.198/JE/O&M/Panapakkam/F.Petition/2024-2025 dated 28.01.2025 on the file of 6th respondent and to quash the same and direct the respondents to restore Electricity connection S.C.No.279-008-454 to agriculture land in Survey No.296/1 situated at Nangamangalam Village, Nemili Taluk, Ranipet District.



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For petitioner : Mr. L.Ramkumar
For Respondent 1 : Mr. V.Jeevagiridharan
Additional Government Pleader
For Respondents : Mr. S.Madhusudanan
2 to 6

ORDER

This writ petition is filed for the following relief:

“To call for records in impugned letter No.198/JE/O&M/Panapakkam/F.Petition/2024-2025 dated 28.01.2025 on the file of 6th respondent and to quash the same and direct the respondents to restore Electricity connection S.C.No.279-008-454 to agriculture land in Survey No.296/1 situated at Nangamangalam Village, Nemili Taluk, Ranipet District”

2. Challenging the show cause notice issued by the 6th respondent, the petitioner is before this Court seeking to quash the same and directing the respondents to restore electricity service



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connection in S.C.No.279-008-454 given to the agricultural land in S.No.296/1, Nangamangalam Village, Nemili Taluk, Ranipet.

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3. The petitioner would submit that the land in question which totally measures 1.01 acres belonged to his father late Balaram Pillai, who had purchased it under a registered sale deed dated 30.01.1990. The petitioner's father applied for electricity connection for a well situate in the said land in the year 1990 and the same was approved in the year 2006, after the death of his father in the year 1998. His legal heirs have decided to obtain connection in the name of the petitioner and in furtherance of this they had issued No Objection Certificate in favour of the petitioner. Based on the said No Objection, electricity service connection was also transferred to the petitioner in the same number allotted to his father.

4. The petitioner would submit that under a partition deed dated 24.06.2024, the lands in question were partitioned and an extent of 0.16 cents was allotted to the petitioner and the petitioner continued to use service connection granted to him for drawing water to irrigate the



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agricultural land.

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5. On 27.12.2024, respondents 4 to 7 inspected the land in question and directed the petitioner to submit revenue records which records were also produced by the petitioner to show that the electricity connection was utilised for the well situate in S.No.296/1 and the connection was being utilised only for agricultural purpose. Once again, on 27.01.2025, respondents 4 to 6 inspected the lands and electricity connection and informed that the petitioner was utilising the electricity connection for drawing water from bore well instead of open well and directed the petitioner to pay a sum of Rs.32,227/-. This demand was totally illegal and contrary according to the petitioner since the connection was utilised only for agricultural purpose.

6. The petitioner would submit that bore well is situate in the very same survey number and therefore there is no unauthorised usage of electricity connection and the petitioner has not committed any offence under Section 126 (1) of the Tamil Nadu Electricity Act. The assessment was passed on the very same day of the inspection and



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without calling the petitioner for enquiry as contemplated under Section 126 (3) of the Act. Therefore, the petitioner is before this Court.

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7. The respondents challenged the writ petition on the ground that the service connection which had been granted to open well is now being used for bore well, which is an unauthorised use of electricity. Therefore, it is the contention of respondents that the demand made is in order and no exception can be taken for the same.

8. Heard the learned counsels on the either side and perused the records.

9. The petitioner's father was given a free electricity service connection for agricultural purpose, thereby indicating that the electricity which is drawn from the service connection has to be utilised only for agricultural purpose. At that point in time when the permission was granted, the petitioner only possessed a well and thereafter a bore well has been put by the petitioner post the partition and it is not the case of the respondent that the petitioner is utilising



electricity for purposes other than agriculture.

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10. Considering the fact that the use of electricity is not changed and it is only the equipment from which the electricity is sought to be used has changed, this Court feels that the harsh observation that there is a theft of electricity would not *stricto sensu* apply to the facts of the case. However, taking into account the fact that the petitioner has not brought to the notice of the department that the service connection has been shifted from open well to the bore well, this writ petition is disposed of with the following directions:

(i) The petitioner shall deposit the amount claimed as penalty within a period of 3 months and he shall make representation to the 1st respondent for transfer of service connection from open well to the bore well.

(ii) The 1st respondent shall take into account the fact that the purpose for the connection has not been changed by the petitioner and he continues to use it only for agricultural purpose while considering the representation.

(iii) The respondents shall pass orders allowing the



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*request within a period of 4 months from the date of receipt
of a copy of this order and on the petitioner paying the
penalty as directed in clause (i) supra.*

11. No costs.

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Index : Yes/No

Internet : Yes/No

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