

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P. No.29799 of 2015

and

M.P.No.1 of 2015

V.R.Venkatacham
S/o.Ramasamy Gounder,
No.3/39B, South Street,
Velangoundampatti,
Namakkal Tauk and District

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution,
Corporation Ltd (TNEB)
Anna Salai, Chennai 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Ltd (TNEB)
Namakkal - 637 002.
3. The Divisional Engineer,
Tamil Nadu Generation and Distribution,
Corporation Ltd (TNEB)
Namakkal - 637 002.
4. The Divisional Engineer,
Tamil Nadu Generation and Distribution,
Corporation Ltd (TNEB)
Tiruchengode 637 211,
Namakkal District.
5. The Assistant Engineer,
Tamil Nadu Generation and Distribution,
Corporation Ltd (TNEB)
Velangoundampatti,
Namakkal Taluk and District

... Respondents

Writ Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the

respondents 2 to 5 herein to give Electricity Service Connection pursuant to the application given by the petitioner's father i.e. R.Ramasamy on 29.10.1997 in Regn.No.Se.Po.Na/Vi 370/97-98 on the file of the second respondent herein within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.S.K.Rameshuwar

O R D E R

Heard Mr.T.Dhanyakumar, learned counsel appearing for the petitioner and Mr.S.K.Rameshuwar, learned counsel appearing for the respondents and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition for issuance of Writ of Mandamus to direct the respondents 2 to 5 to provide Electricity Service Connection pursuant to the application given by the petitioner's father R.Ramasamy on 29.10.1997, which was submitted and registered before the second respondent. From the counter affidavit it is seen that the application has been rejected, pursuant to the direction issued by the Board, Chief Engineer, Planning and Resources Centre in letters dated 22.09.2009 and 22.07.2011, by which instructions were given to the officials with regard to effecting of more than one agricultural service connection in the name of the same person.

3. From the counter affidavit, in Paragraph 6, it is seen that the objection raised by the respondent-Board is that till 26.05.2011, there was only one borewell and it is only thereafter, the second borewell has been installed and the petitioner had applied for two applications for the same existing borewell. This contention is sought to be rebutted by the petitioner by relying upon the certificate issued by the Tahsildar, Namakkal dated 16.10.2012. However, this certificate appears to have not been produced before the Board officials to establish that the second borewell was also in existence for over fifteen years.

4. In the light of the above, the direction sought for by the petitioner cannot be granted at this stage. However, there will be a direction to the petitioner to produce the certificate issued by the Tahsildar, Namakkal dated 16.10.2012 before the second respondent, who shall direct verification of the genuineness of the certificate and if necessary, also call

for appropriate report from the Tahsildar, Namakkal and thereafter proceed in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Chairman,
Tamilnadu Generation and Distribution,
Corporation Ltd (TNEB)
Anna Salai, Chennai 600 002
2. The Superintending Engineer,
Tamilnadu Generation and Distribution,
Corporation Ltd (TNEB)
Namakkal - 637 002
3. The Divisional Engineer,
Tamilnadu Generation and Distribution,
Corporation Ltd (TNEB)
Namakkal - 637 002
4. The Divisional Engineer,
Tamilnadu Generation and Distribution,
Corporation Ltd (TNEB)
Tiruchengode 637 211,
Namakkal District.
5. The Assistant Engineer,
Tamilnadu Generation and Distribution,
Corporation Ltd (TNEB)
Velangoundampatti,
Namakkal Taluk and District
6. The Tahsildar,
Namakkal.

+2ccs to Mr.T.Dhanyakjumar, Advocate, S.R.No.68207, 6870

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.79742

ctk(CO)

kra (12/01/2016)

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