

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.35969 of 2007

K.Balakrishnan

...Petitioner

-vs-

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002
2. The Superintending Engineer
Tamil Nadu Electricity Board
Vellore-6
3. The Executive Engineer
Tamil Nadu Electricity Board
Vellore-6
4. The Assistant Engineer
Tamil Nadu Electricity Board
Arakkonam, Vellore District

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondents to provide a new electricity connection for agricultural purposes, pursuant to his application dated 13.2.2006 pending before the third respondent.

For Petitioner : Mr.S.N.Narasimhulu

For Respondents : Mr.M.Varunkumar

ORDER

This writ petition has been filed by Mr.K.Balakrishnan under Article 226 of the Constitution of India, seeking a writ of mandamus to direct the respondents herein to provide a new electricity service connection for agricultural purposes as per his application with Registration No.388/13 assigned on 13.10.88. It is the claim of the petitioner that his family is engaged in agricultural activity and is in possession of land in Survey No.633/2B having an extent of 2.5 acres. When the land originally belonged to his father late N.Kannappa Naidu, his father had applied for new electricity service connection for agricultural purposes on 30.6.88 and the application registration number is 388/13 dated 13.10.88. Thereafter, in the year 1995, the said Kannappa Naidu died. After his death, the petitioner along with his family members had been waiting for the new electricity connection. Only in the year 2004, on further enquiry with the fourth respondent, the petitioner came to know that the new service connection was already given in Service No.110 in the year 2001 itself in the name of his father late Mr.Kannappa Naidu. Since no service connection whatsoever was given in the name of Mr.Kannappa Naidu and the fourth respondent has given the service connection to another Mr.Kannappa Naidu, S/o Narayanasa Naidu, who is also living two kilometres away from the petitioner's land, the petitioner submitted an application before the second respondent on 28.12.2004 with the relevant documents, namely, field map, chitta, adangal, tax receipt to prove his case that another Kannappa Naidu, S/o Narayansamy Naidu, misusing his father's name, had obtained the new connection to his well and further requested him to provide the new service connection to his well. After finding no further progress on his representation, he has come to this Court.

2. A detailed counter affidavit has been filed by the respondents. Learned counsel appearing for the respondents, drawing the notice of this Court to paragraph-7 of the counter affidavit, fairly conceded that instead of giving the electricity service connection in the name of the father of the petitioner as per the application dated 13.10.88 having Registration No.388/13, erroneously the service connection has been given to Mr.Kannappa Naidu, S/o Narayanasamy Naidu, who is residing at Neelakandapuram of Itchiputhur village. It is also stated that when the petitioner's father Mr.Kannappa Naidu applied for new agricultural service connection for the well situated in S.F.No.633/2B, Itchiputhur revenue village vide Registration No.388/88-89 dated 13.10.88, a letter has been sent to the above addressee. But, erroneously, the intimation letter has been received by another Mr.Kannappa Naidu who is also residing at Neelakandapuram and he had submitted the relevant documents for the

above survey number and the necessary estimate was also prepared and thereafter after sanctioning the same, the agricultural service connection has been effected to the second person, namely, Mr.Kannappa Naidu, S/o Narayanasamy Naidu. Since the petitioner's father's name being Kannappa Naidu, S/o Narayanasamy Naidu and the other person was also having the same name as Kannappa Naidu, S/o Narayanasamy Naidu, the fourth respondent has given the electricity service connection to the other person residing at Neelakandapuram. Subsequently, the said beneficiary had filed O.S.No.56 of 2005 and obtained an ex parte decree not to disconnect the service connection on 29.7.2005, which came to be restored on 16.9.2010 and thereafter the said suit was also dismissed for default on 30.10.2010. In view of that, if sufficient time is granted, the respondents would be in a position to effect the service connection to the land in question.

3. In view of the above fair admission made by the respondents in the counter affidavit, the respondents are directed to process the application of the petitioner and effect the new electricity service connection for the well situated in S.F.No.633/2B, Gadavarikandigai of Itchiputhur revenue village in his name, preferably within a period of two weeks from the date of receipt of a copy of this order, on payment of the necessary charges, if any. With the above direction, the writ petition stands allowed. Consequently, M.P.No.1 of 2010 is closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai 600 002
2. The Superintending Engineer
Tamil Nadu Electricity Board
Vellore-6

3. The Executive Engineer
Tamil Nadu Electricity Board
Vellore-6

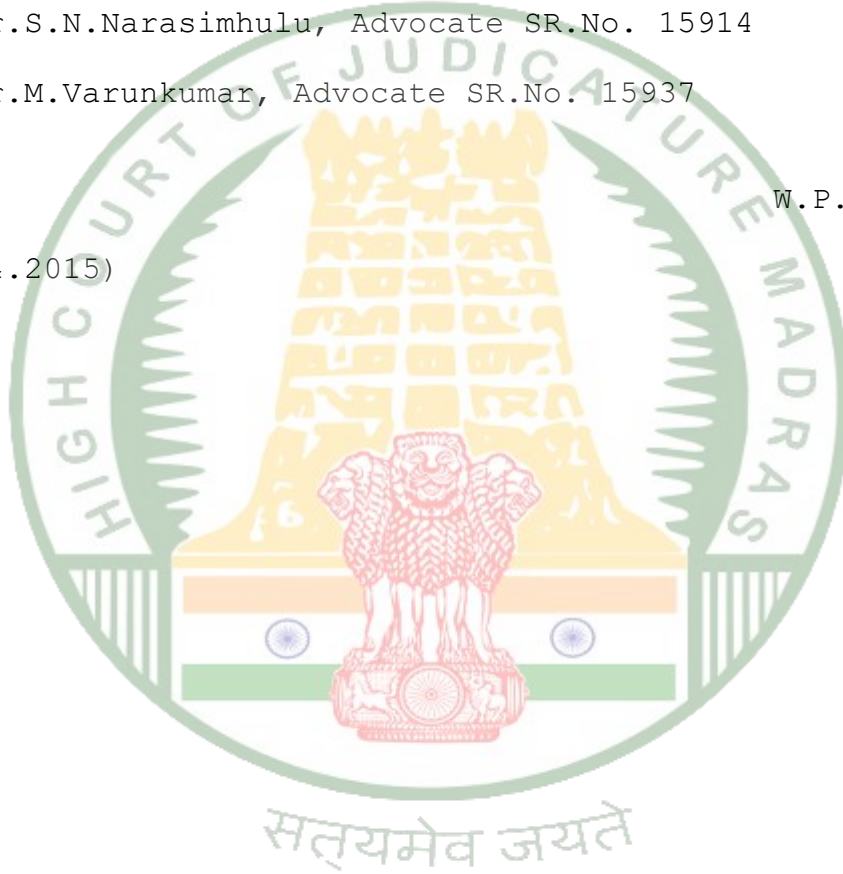
4. The Assistant Engineer
Tamil Nadu Electricity Board
Arakkonam
Vellore District

1 CC to Mr.S.N.Narasimhulu, Advocate SR.No. 15914

1 CC to Mr.M.Varunkumar, Advocate SR.No. 15937

SKV (CO)
PSI (07.04.2015)

W.P.No.35969 of 2007



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