

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.18378 of 2015  
and  
M.P.No.1 of 2015

K.Palanisamy

...Petitioner

Vs.

1. The Superintendent Engineer,  
O & M, Coimbatore Division (South)  
Coimbatore.
  2. The Executive Engineer,  
O & M, Coimbatore Distribution Circle (South)  
Somanur.
  3. The Assistant Executive Engineer,  
O & M, Mangalam,  
Vanjipalayam, Trippur - 641 663
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records from the file of the 2nd respondent, Se.Po.E&Pa/So/.Kho.Mi.Pa.Va/A.No.001222/2015, dated 05.06.2015, and to quash the same and to direct the respondents to provide agricultural service connection to the petitioner's bore well in S.No.554/1, Semmandapalayam Village, Sular Taluk, Coimbatore District, under any one of the schemes.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents : Mr.S.K.Raameshuwar  
Standing Counsel (TNEB)

WEB COPY  
O R D E R

This Writ Petition is filed, seeking to quash the proceedings of the second respondent, dated 05.06.2015, and to direct the respondents to provide agricultural service connection to the petitioner's bore well, in S.No.554/1, Semmandapalayam Village, Sular Taluk, Coimbatore District, under any one of the schemes.

2. Heard the learned counsel for the parties.

3. The petitioner has been granted free agricultural electricity service connection, in respect of an agricultural land, comprised in S.No.554/1, Semmandapalayam Village, Suler Taluk, Coimbatore District, The petitioner applied for an additional load of 7 Horse Power (HP), and said to have paid certain amounts, as proof, he has produced a receipt, dated 11.05.1992. The petitioner would state that, it is not an application for additional load, but, it is a fresh application. However, the receipt clearly shows that already 3 HP connection is there, therefore, the petitioner has applied for an additional load of 7 HP. From the elaborate counter affidavit, filed by the second respondent, it is seen that as on date, there is no scheme formulated for granting additional load to an existing free agricultural service connection. Therefore, necessarily, the relief sought for by the petitioner cannot be granted, since it is an application for additional load in respect of free agricultural electricity service connection. However, the petitioner is not without remedy, since in para No.21 of the counter affidavit filed by the second respondent, it is stated that, if the petitioner intends to avail new agricultural service connection, the petitioner has to make fresh application with required documents, and his application should be considered as per the orders in force and also in strict compliance of seniority/priority on pending applications.

4. In the light of the above, while dismissing the Writ Petition, liberty is granted to the petitioner to submit a fresh application, which shall be considered in accordance with the terms, as stated in para No.21 of the counter affidavit. It is open to the petitioner to request for surrender of any load already sanctioned, and that request shall also be considered in accordance with law. The second respondent shall pass appropriate orders on merits and in accordance with law on the above terms within a period of three weeks from the date of which the petitioner submits fresh application.

5. In the result, the Writ Petition is dismissed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

s/d-  
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

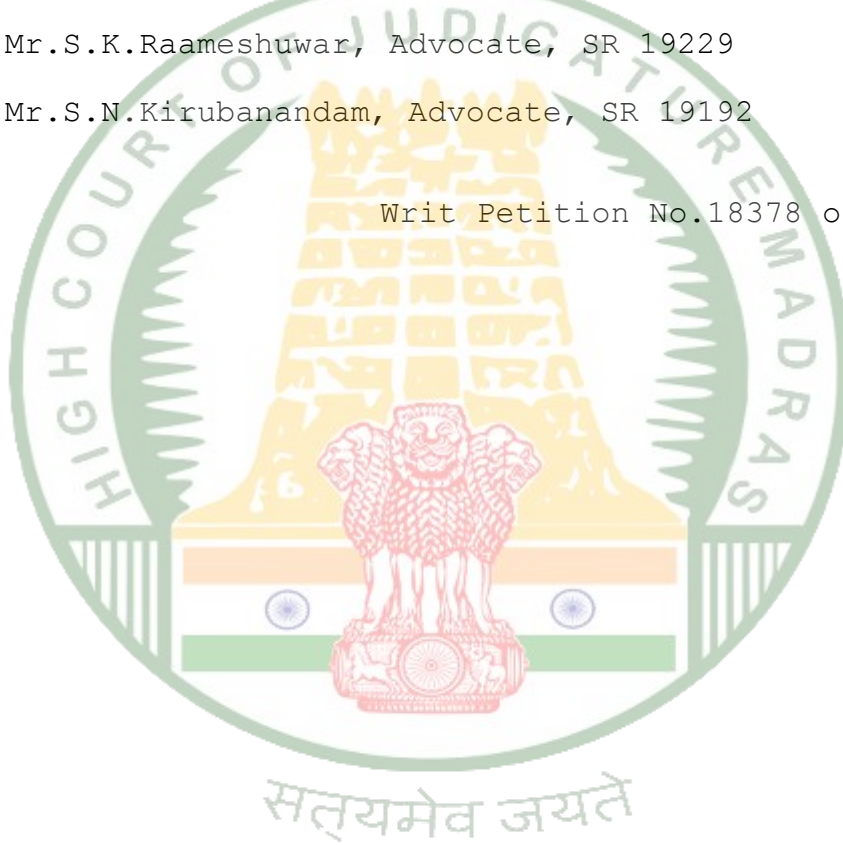
1. The Superintendent Engineer,  
O & M, Coimbatore Division (South)  
Coimbatore.
2. The Executive Engineer,  
O & M, Coimbatore Distribution Circle (South)  
Somanur.
3. The Assistant Executive Engineer,  
O & M, Mangalam,  
Vanjipalayam, Trippur - 641 663

+ 1 cc to Mr.S.K.Raameshuwar, Advocate, SR 19229

+ 1 cc to Mr.S.N.Kirubanandam, Advocate, SR 19192

ca(co)  
prk22/4

Writ Petition No.18378 of 2015



WEB COPY