

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.2089 of 2017

Nallammal

..Petitioner

Vs.

1. The Superintending Engineer,
Operation and Maintenance
Tamilnadu Electricity Board
Salem.

2. The Executive Engineer,
Operation and Maintenance
Tamilnadu Electricity Board
Attur Taluk, Salem.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and dispose the petitioner's representation, dated 03.03.2015, and reminder representations dated 04.07.2016, 17.01.2017 and provide electricity connection in respect of the petitioner agricultural land bearing S.No.164/3C which is situated in the Sathapaddi Village, Attur Taluk, Salem District and to pass further orders.

For Petitioner : Mr. A. Rajkumar

For Respondents : Mr. S.K. Rameshwar for TNEB

O R D E R

Mr. S.K. Rameshwar, learned Standing Counsel for Tamil Nadu Electricity Board takes notice for the respondents. Considering the limited scope of prayer, with the consent of both the parties, the writ petition is disposed of at the stage of admission itself.

2. The petitioner has filed this Writ Petition, praying for issuance of a Mandamus, directing the 2nd respondent to consider and dispose of her representation, dated 03.03.2015, and the reminder representations dated 04.07.2016, 17.01.2017 and provide electricity connection in respect of her agricultural land bearing S.No.164/3C, situated in the Sathapaddi Village, Attur Taluk, Salem District.

3. The learned counsel for the petitioner would submit that the petitioner was an agriculturist. She acquired agricultural land in Survey No 164/3C through registered sale deed, in Sathapaddi Village, Attur Taluk, Salem District. On behalf of the petitioner, her husband Kumaravel applied for free agricultural service connection on 11.07.1990. It was assigned the number 9730 and the same is pending. In the meanwhile, the petitioner's husband died on 26.11.2007. Since the petitioner struggled very hard for cultivation of the agricultural lands, she submitted representations to the respondents to consider her case, stating that her application No.9730 has also reached the stage of seniority. However, so far no action has been taken by the officials concerned. Hence, the present writ petition is filed with the aforesaid prayer.

4. Learned Standing Counsel for the Electricity Board, based on the instructions received from the 2nd respondent, submitted that based on the application No.9730, the Executive Engineer, issued 90 days notice to the petitioner's husband on 23.09.2008. In the meantime, the petitioner submitted an application for name transfer, since her husband Kumaravel died on 11.07.1990 and the same was transferred on her name, on 24.01.2009. But, the petitioner did not submit her readiness within the prescribed period of 90 days. Subsequently, based on her request, time was extended for a period of one year till 31.12.2009. Later, the petitioner had neither submitted readiness nor sought for extension of time to TANGEDCO. As per the Tamil Nadu Electricity Regulatory Commission orders, since the prescribed period of five years expired, the application of the petitioner has been cancelled by the Board. At this stage, the petitioner has filed the present writ petition before this Court, which cannot be entertained and hence sought to dismiss the same.

5. Heard learned counsel for the petitioner and the learned Standing counsel for TNEB.

6. Learned counsel for the petitioner sought permission of this Court to submit an application afresh and that the same may be considered by the respondents, for providing electricity connection.

7. Considering the submission of the learned counsel for both sides and the facts and circumstances of the case, this Court is inclined to grant liberty to the petitioner to file an application for granting further time to report readiness or to submit a fresh application for electricity connection and the same may be considered by the respondents as expeditiously as possible.

8. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

avr

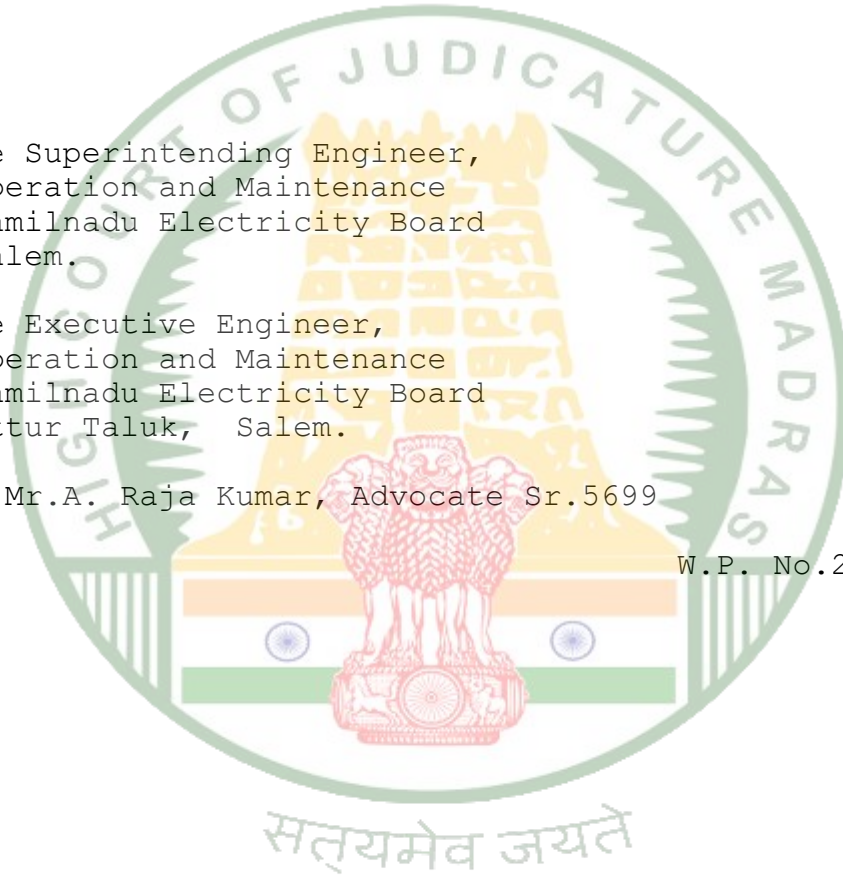
To

1. The Superintending Engineer,
Operation and Maintenance
Tamilnadu Electricity Board
Salem.
2. The Executive Engineer,
Operation and Maintenance
Tamilnadu Electricity Board
Attur Taluk, Salem.

+ 1 cc to Mr.A. Raja Kumar, Advocate Sr.5699

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