

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.22804 & 22805 of 2014

M.P.Nos.1 & 1 of 2014

W.P.No.22804 of 2014
Thiru.S.Venkatachalam

... Petitioner

Vs.

1. The Tamil Nadu Electricity Ombudsman,
19, A Ruckmini Lakshmi Pathy Salai,
Egmore,
Chennai -600 008.
2. The Chairman,
(Consumer Grievance Redressal Forum),
Superintending Engineer,
Namakkal Electricity Distribution Circle,
TANGEDCO,
Sri Krishna Complex,
32/1, Karuppannan Street,
Paramathy Road,
Namakkal District.
3. The Superintending Engineer,
(Operation and Maintenance)
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.
4. The Executive Engineer,
(Operation and Maintenance)
Tiruchengodu Division,
TANGEDCO,
Thiruchengodu,
Namakkal District.
5. The Assistant Executive Engineer,
(Operation and Maintenance)
TANGEDCO,
Mallasamuthram Sub Division,
Mallasamuthram,
Namakkal.

6. The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Kalipatti Section,
Kalipatti,
Namakkal District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the impugned order of the third respondent in Lr.No.SE/NEDC/NKL/AEE/D/AE-2/D/I Grade Draftsman/Co.RE&1(D) ptn.8/No.015/4, dated 02.01.2014 and quash the same.

W.P.No.22805 of 2014
Thiru.S.Rajendran

... Petitioner

Vs.

1. The Tamil Nadu Electricity Ombudsman,
19, A Ruckmini Lakshmi Pathy Salai,
Egmore,
Chennai -600 008.
2. The Chairman,
(Consumer Grievance Redressal Forum),
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Namakkal Electricity Distribution Circle,
TANGEDCO,
Sri Krishna Complex,
32/1, Karuppannan Street,
Paramathy Road,
Namakkal District.
4. The Executive Engineer,
(Operation and Maintenance)
Tiruchengodu Division,
Namakkal Electricity Distribution Circle,
TANGEDCO,
Keelaripatti

Thiruchengodu - 637 211
Namakkal District.

5. The Assistant Executive Engineer,
(Operation and Maintenance)
North Sub-Division,
Thiruchengodu Division,
TANGEDCO,
Keelaripatti
Thiruchengodu - 637 211
Namakkal District.

6. The Assistant Engineer,
Operation and Maintenance,
East Thiruchengodu Section
TANGEDCO,
Anangur Road,
Thiruchengode - 637 211.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the third respondent to provide application seniority instead of readiness seniority to the petitioner.

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

COMMON ORDER

With the consent of the learned counsel appearing on either side, the Writ Petitions are taken up for final disposal.

2. Heard Mr.S.Kolandasamy, learned counsel for the petitioner, Mr.S.K.Rameshwar, learned counsel appearing for the TNEB.

3. The petitioners in both cases are agriculturists. In W.P.No.22804 of 2014, the petitioner made an application for service connection as early as 04.03.1989. In W.P.No.22805 of 2014, the application was made in the year 1985 and registered on 21.12.1985. After a decade, the petitioners approached the respondents for effecting service connection.

4. A counter affidavit has been filed in W.P.No.22804 of 2014 and following is the averment with respect to the misplacement of the application:-

5..... The JE/O&M/Kalipatty inspected the spot and reported that the bore well is in existence at SF.No.257/1B and no supply was effected to that bore well. In as much as the original application was found misplaced, and could not be traced out the JE/O&M/Kalipatty had obtained duplicate application and other Revenue documents from the applicant Thiru.S.Venkatachalam and forwarded the same through his Lr.No:., நிற்பா/இடிபு/கா.பட்டி/கோ வி/எண் 154-நாள; 05/08/2011 to the Assistant Executive Engineer, O&M, Mallasamudram and the Assistant Executive Engineer, O&M, Mallasamudram has also submitted the same to the Executive Engineer, O&M, Thiruchengode on 09.08.2011.

5. Similarly in W.P.No.22805 of 2014, it has been stated as follows:-

4... Since the applicant request was much belated i.e., more than 27 years of registration of application, the details could not be traced out and hence the applicant was informed that the application might have been cancelled due to non entering of readiness within the due date.

6. Accordingly, the petitioners made the applications once again. They have been treated as fresh applications and therefore, the present Writ Petitions have been filed.

7. As rightly submitted by the learned counsel for the petitioners two facts are not in dispute, the first is with respect to the existence of the borewell and the second is the applications made decades ago. Incidentally, it is also not in dispute that the records are not available with the respondents to disprove the allegations made by the petitioners. After all, what the petitioners want is service connection on priority basis. That priority also would have got lost over the years. However, the latest applications made by the petitioners in the year 2013 and 2014, cannot be taken as a basis for effecting service connection. There are no contra materials to the allegations made by the petitioners.

8. Thus, the facts and circumstances of this case, this Court is of the view that this Court will have to extend its arm to the farmers, who have been waiting for decades. Had the petitioners' applications been considered in the priority list

by taking into consideration the original application, they would have got the service connection decades ago. In such view of the matter, a direction is issued to the respondents 2 to 6, to effect service connection to the petitioners, within a period of 12 weeks from the date of receipt of a copy of this order, subject to the condition that the petitioners complying with the necessary requirements.

Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pbn/ms

To

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Thiruchengode - 637 211

+1 CC to Mr.S.K.Rameshwar, Advocate sr 40739

+2 CCs to Mr.S.Kolandasamy, Advocate sr 40510 & 40509

सत्यमेव जयते

W.P.Nos.22804 & 22805 of 2014

AD(CO)
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