

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.13175 of 2017

and

W.M.P.Nos.14162 and 14163 of 2017

T.Shanmugasundaram

...Petitioner

Vs.

1.The Executive Engineer,
Distribution/South
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Electricity Distribution
Corporation Ltd.,
No.949, E.V.N.Salai,
Erode Distribution Circle,
Erode - 9.

2.The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Electricity Distribution
Corporation Ltd.,
Ganapathipalayam, Erode District. ...Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the second respondent in his letter No.AE/O&M/Ka.Paa/Koppu.Manu/No.546/16-17 dated 28.03.2017 and quash the same and consequently direct the respondents to give effect service connection in the name of the petitioner for the bore-well and openwell situated in S.Nos.691/8B and 691/7A2, Punjaikalamangalam Village, Erode District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.K.Rameshwar

ORDER

The petitioner's father, a then farmer sought for electricity service connection for agricultural purposes. The application was made in the year 1991. It appears that in the year 2010, he was asked to record his readiness. He died in January, 2017. The present writ petition has been filed by the petitioner pursuant to the order of rejection made on the sole ground of delay.

2.Learned counsel appearing for the petitioner would submit that the communication said to have been made has not been received. The application was made way back in the year 1991. Therefore, it is unfair to ask the petitioner to apply afresh.

3.Learned counsel appearing for the respondents would submit that the petitioner's father has not recorded his readiness along with relevant records in the Register available. Hence no interference is required.

4.There are two factors, which are not in dispute. First is the service connection sought for, for the agricultural lands of the petitioner and his father. Second is the application made in the year 1991. Therefore, the petitioner's father was made to wait for nearly two decades. It is not in dispute that if the application made in the year 1991 has been taken into consideration, the petitioner's father would have got service connection in the year 2010-2011 itself. Now the petitioner seeks service connection for the year 2017.

5.There is no record to show that he has received the communication asking him to be ready along with the records and thereafter register the same. Such a readiness can only be registered from the date of receipt of the communication. There appears to be a huge delay on the part of the respondents. For the application made in the year 1991, communication is stated to have been sent in the year 2010. Therefore, considering the above said fact, this Court is inclined to set aside the order impugned.

6. Accordingly, the order impugned is set aside and the second respondent is directed to effect service connection in the name of the petitioner subject to the compliance which are required to be made as per law. The said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer,
Distribution/South
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Electricity Distribution
Corporation Ltd.,
No. 949, E.V.N. Salai,
Erode Distribution Circle, Erode - 9.

2. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
Tamil Nadu Generation and
Electricity Distribution
Corporation Ltd.,
Ganapathipalayam, Erode District.

+1 cc to M/s. C. Prakasam Advocate sr 41939
+1 cc to M/s. S. K. Raameshuwar Advocate sr 42033

W.P.No.13175 of 2017

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