

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.34165 of 2016

N.K.Thangamuthu

.. Petitioner

Vs.

1.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Perundurai.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Nallampatti, Erode District.

Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to grant electricity service connection for 7.5 HP motor pump set to the petitioner for drawing water for the purpose of irrigation from the bore well in Survey No.83/2 (New No.83/5) situated at Singanallur A Village, Perundurai Taluk, Erode District, in pursuance of the application No.340/97-98 registered on 06.11.1997 on the file of the first respondent.

For Petitioner

.. Mr.C.Munusamy

For Respondents

.. Mr.S.K.Rameshwar

ORDER

Pursuant to the application made on 06.11.1997, alleging inaction on the part of the respondents, the petitioner has come forward to file this writ petition.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.In the counter affidavit filed by the second respondent, it has been stated as follows:

"2.I submit that the petitioner has requested for electricity service connection for 7.5 HP motor pump for drawing water for the purpose of irrigation from the borewell in Survey No.83/2, situated at Singanallur A Village, Perundurai Taluk, Erode District in pursuance of the application No.340/97-98 registered in the name of Thiru.Krishnamoorthy, S/o.Marimuthu on 06.11.1997.

3.I further state that the petitioner has received the letters from the first respondent dated 03.11.2010 and 03.12.2011. However the petitioner has not come forward to enter the readiness.

4.I further state that the application is valid for a period of 5 years i.e. from 03.11.2015. However the petitioner failed to enter readiness in the above mentioned period."

4.Learned counsel appearing for the petitioner submits that no communication has been received by him as alleged in para 2 of the counter affidavit. It is submitted that even otherwise, as per para 4 of the counter affidavit, the petitioner is entitled for electricity service connection, based upon the date of his application.

5.Learned counsel appearing for the respondents would submit that it is the mistake of the petitioner, who has not expressed his readiness. Paragraph 4 of the counter affidavit contains the factual error since the period ends by 03.11.2015.

6.The fact that the petitioner's application has been registered in A.No.340/97-98 dated 06.11.1997 is not in dispute. Electricity service connection is meant for agricultural purpose. Though letters were said to have been sent by the petitioner expressing his readiness, there is no proof in support of the same. Be that as it may, the application of the petitioner has not been cancelled as of now. The very fact that the petitioner has filed the writ petition in the year 2016 itself would show that he would not have received the communication as mentioned in paragraph 2 of the counter affidavit. This Court is also of the view that technicalities shall not come in the way of rendering justice as the petitioner is otherwise entitled in law.

7. Accordingly, the writ petition stands allowed. Consequently, the respondents are directed to effect electricity service connection to the petitioner based upon the registered application dated 06.11.1997 within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Perundurai.

2.The Junior Engineer,
Tamil Nadu Electricity Board,
Nallampatti, Erode District.

+1cc to Mr.S.L.Rameshuwar, Advocate, S.R.No.22290
+1cc to Mr.C. Munsamy, Advocate, S.R.No.21996

KJI (CO)
EU 25.4.17

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