

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No. 41527 of 2016  
and  
W.M.P.No.35514 of 2016

T.K.Palanisamy

...Petitioner

- Vs -

1. The Chairman,  
Tamil Nadu Electricity Board,  
No.144, Anna Salai, Chennai - 2.
  2. The Executive Engineer (Operation & Maintenance)  
Paramathi Division,  
Namakkal Electricity Distribution Circle,  
Tamil Nadu Electricity Generation & Distribution Co,  
Paramathi Velur.
  3. The Junior Engineer, (Operation & Maintenance),  
Mohanur - Town,  
Namakkal Electricity Distribution Circle,  
Tamil Nadu Electricity Generation & Distribution Co,  
Mohanur.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in relation to the impugned Order passed by the 2<sup>nd</sup> respondent in Lr.No.செபொ/இ & ப/பவே/வஉ/த.மேபொ ம.கு.தீ. நாள் மனு/எண்.001/2016 dated 06.01.2016 and quash the same as arbitrary and direct the respondents to extend Agricultural Service Connection to the well situated in Survey No.188/1, 45, Manappalli Village, Paramathi Velur Taluk on the basis of the petitioner's application No.EEV/MT/A.41/90-91 dated 30.11.1990 within the reasonable time to be fixed by this Court.

For Petitioner : MR.A.Paramasivam  
For Respondents : Mr.S.K.Rameshwar

## ORDER

Challenging the order of the second respondent dated 06.01.2016 and to direct the respondents to extend the agricultural service connection to the well of the petitioner, the present writ petition has been filed.

2.The petitioner is an agriculturist. He made an application for agricultural service connection to the well situated in Survey No.188/1 and 172 in No.45, Manappalli Village, Paramathivelur Taluk on the basis of the petitioner's Application No.EEV/MT/A.41/90-91 dated 30.11.1990. The Government of Tamil Nadu introduced two lakhs agricultural service connections under Special Priority Scheme. The petitioner comes under the said Scheme. Accordingly, a notice was issued to the petitioner to register his readiness. The time granted for the aforesaid purpose was extended upto 30.06.2011. This was for the purpose of production of clearance certificate from the Public Works Department, since the petitioner's well is situated nearby public water source, which was obtained on 27.06.2011.

3.Initially, the petitioner applied for 5 HP and according to the petitioner, that has been changed to 3 HP, on the suggestion made by the respondents. The change of load was approved on 31.10.2011. Thereafter, the petitioner was treated under the Normal Priority Scheme and kept at Seniority No.57. This decision is being put into challenge by the petitioner.

4.Learned counsel appearing for the petitioner would submit that the petitioner did apply under the Special Priority Scheme and complied with the requirement at last on 27.06.2011. The approval granted for change of load on 31.10.2011 will not change the nature of the application. Thus the writ petition will have to be allowed.

5.Learned counsel for the respondents would submit that the petitioner having got the approval on 31.10.2011, which is beyond 30.06.2011, his application was treated under the Normal Priority Scheme and therefore, no interference is required.

6.The fact that the petitioner applied under Special Priority Scheme is not in dispute. His application was way back on 30.11.1990. Being an agriculturist, the petitioner has been waiting for more than 2 ½ decades. He is yet to get the service connection. He has asked for a lesser HP than the one originally asked for. In other words, had he continued with the earlier request of 5 HP, his case would not have been rejected. Admittedly, he has complied with the production of clearance certificate from the Public Works Department on 27.06.2011,

which is within the time granted by the Chief Engineer (Planning). The last date was 30.06.2011. Merely because the second respondent approved the change of load on 31.10.2011, the priority in the application of the petitioner would not get vanished. It is only a procedural formality.

7. In such view of the matter, this Court is of the view that the order impugned cannot be sustained in the eye of law. Accordingly, the impugned order is set aside and the writ petition is allowed. Consequently, respondents 2 and 3 are directed to effect service connection to the well in question, based upon his seniority under the Special Priority Scheme within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,  
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No.144, Anna Salai,  
Chennai - 2.
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3. The Junior Engineer, (Operation & Maintenance),  
Mohanur - Town,  
Namakkal Electricity Distribution Circle,  
Tamil Nadu Electricity Generation & Distribution Co,  
Mohanur.

+1cc to Mr.A. Paramasivam, Advocate Sr. 17479  
+1cc to Mr.S.K. Raameshuwar, Advocate Sr. 18260

W.P. No.41527 of 2016

SSI (CO)  
VR(27/03/2017)