



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.06.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

W.A.(MD) No.846 of 2017 &

C.M.P.(MD) .No.5763 of 2017

1. The Superintending Engineer,
TANGEDCO, TNEB Distribution Circle,
Maharaja Nagar,
Tirunelveli-11.
2. The Executive Engineer (Rural),
TANGEDCO, TNEB Distribution Circle,
Maharaja Nagar, Tirunelveli-11.
3. The Assistant Executive Engineer (Rural),
TANGEDCO, TNEB Distribution Circle,
Nanguneri, Tirunelveli-108. ... Appellants/Respondents

Vs.

D.Saravanan

... Respondent/writ petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order, dated 20.01.2017, made in W.P.(MD).No.20964 of 2016.

Prayer in WP(MD). 20964/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to grant electricity service connection to the petitioners agriculture land situated in Sy. No. 150/3 at Singaneri Village, Nanguneri Taluk Vide his application dated 06.12.2010 under free agriculture service connection or under Revised Self Financing Scheme (RSFS) by paying the scheme cost for a sum of Rs.10,000/- or 25,000/- or 50,000/- by fixing the seniority from 06.12.210 within the time frame as fixed by this Honble court.

For Appellants : Mrs.S.Srimathy

For Respondent : Mr.A.Sreenivasan

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mrs.S.Srimathy, learned standing counsel appearing for the appellants and Mr.A.Sreenivasan, learned counsel appearing for the respondent.



2. By consent of both sides, this writ appeal itself is taken up for final disposal.

3. This appeal, by the Tamil Nadu Electricity Board, is directed against the order passed in W.P(MD)No.20964 of 2016, dated 20.01.2017 filed by the respondent. The respondent/writ petitioner sought for issuance of a writ of mandamus for a direction upon the appellants to grant Electricity Service connection for his agricultural land in Nanguneri Taluk vide his application, dated 06.12.2010 under the free agriculture service connection or under Revised Self Financing Scheme. The respondent/writ petitioner is a practicing Advocate before this Court and he is also a Central Government Standing Counsel.

4. According to the respondent, he submitted his application for grant of free electricity service supply on 06.12.2010 and the application was returned to the respondent vide memo, dated 07.03.2011 on the ground that the seal of the Village Administrative Officer was not found in the documents produced by him. According to the respondent, he had resubmitted the application after obtaining the seal from the Village Administrative Officer and sent the same by speed post on 21.03.2011.

5. The appellants stand is that as on date, there is no application submitted in the 2011 on their file and therefore, the writ Court ought not to have directed the application of the respondent stated to have been submitted on 06.12.2010 to be considered. Firstly, we have to point out that the respondent is a learned member of the legal professional and presumed to be aware of the rules and regulations, which govern the scheme framed by the Government for grant of free agricultural electricity service connection. The respondent/writ petitioner has not remitted the requisite fee, which is required to be remitted and his explanation that the appellants did not inform him about the remittance of fee, cannot be accepted. More so, in the light of the above fact, the respondent/writ petitioner is a qualified lawyer. The free electricity service connection is granted by the Government to the benefit of agriculturists, so that they can earn their livelihood. It is a special scheme, a privilege granted for agriculturists. Therefore, the terms and conditions have to be strictly enforced and there can be no relaxation and latitude granted to the applicant. We do not accept the stand of the respondent that he was not aware that Rs.50/- has to be paid.

6. On a perusal of the proceedings of the appellant, dated 15.02.2017, it is clear that the respondent was aware of the pre-conditions to be fulfilled. Thus, present attempt of the respondent/writ petitioner is to take advantage of his own wrong in not complying with the terms and conditions stipulated



for grant of free agricultural service connection.

7.The learned standing counsel appearing for the appellants submitted that as of now, the application given by the respondent has been registered on 13.02.2017 and it will be consider in accordance with the seniority.

8.In the light of the above, the order passed by the writ Court is set aside and the writ appeal is disposed of with a direction to the appellant to consider the application submitted by the petitioner in the year 2017, if it is otherwise in order and pass orders in accordance with law. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

+1 CC to M/s.S.M.S.JOHNNY BASHA, Advocate, SR No. 62252.

+1 CC to M/s.A.SEENIVASAN, Advocate, SR No. 62246.

AM/LS

PSM/SKN-RSK/SAR1/05.07.2017/3P/3C

W.A. (MD) No.846 of 2017
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