

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 4308 of 2018
and
W.M.P.Nos.5300 & 5301 of 2018

M.Natarajan

...Petitioner

Vs

1.The Collector,
Kancheepuram District.

2.The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.

3.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

4.The Executive Director,
TANGEDCO,
Chennai - 600 002.

5.The Chief Engineer, (South)
Tamil Nadu Electricity Board,
Chennai - 600 002.

6.The Superintendent Engineer (South),
Tamil Nadu Electricity Board,
K.K.Nagar, Chennai - 600 078.

7.The Executive Engineer (Maintenance)
Tamil Nadu Electricity Board,
Porur, Chennai - 600 116.

8.The Assistant Engineer,
Tamil Nadu Electricity Board,
Somangalam, Chennai - 600 069.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the order passed by the 8th respondent in his proceedings f/vz;/c/kP/bgh/,&g/nrhk/nfhtpt No. 156/2017 dated 07.11.2017 and quash the same and directed the authorities concerned to restore the electricity connection to the petitioner so as to enable him to carryout cultivating works over the schedule mentioned property.

For Petitioners : M/s.M.Natarajan

For Respondents : Mr.G.B.Rajesh(For R.1 & 2)
Mr.S.K.Raameshwar
Standing counsel for EB
(For R.3 to 8)
M/s.B.Prashanth Nadaraj
Advocate Commissioner

O R D E R

The order of the 8th respondent dated 07.11.2017 in relation to the grievance of the Writ Petitioner for providing free electricity service connection for agricultural activities is under challenge in the present Writ Petition.

2. The petitioner appearing in person, states that, he sent several representations to the respondent Nos. 1 to 8 to provide restoration of electricity service connection in Sy. No.389/3A1 at Poonthandalam Village, Pallavaram Taluk, Kancheepuram District under free agricultural 3.H.P electricity connection in service No.266.05.01 in Patta No.337 within the stipulated time.

3.The grievance of the Writ Petitioner is that the 8th respondent passed an order on 07.11.2017, stating that the free electricity service connection earlier provided long back in the said premises cannot be restored as the agricultural activities are not being performed for more than 10 years in the land belongs to the Writ Petitioner. During the inspections, it is found that the electric poles and electric wires are not available for more than 10 years in the said field and therefore, the restoration of free electricity service connection cannot be provided as per Clause 22(6)(1) of the Electricity Supply Code. The restoration of free electricity service connection for agricultural purposes can be done within the period of 5 years from the date of disconnection. After 5 years, the users of free electricity are not entitled to seek restoration and therefore, they are eligible to submit a fresh application for fresh connection.

4.The party-in-person appearing in the present Writ Petition contended that the free electricity service connection is provided to the nearby college namely Sai Ram Engineering College. The party-in-person states that the said college is utilizing the free electricity service connection in violation of the Rules and the authorities have colluded with the college management and provided free electricity service connection in violation of the Rules. In this regard, the Chief Engineer (South), Tamil Nadu Electricity Board /5th respondent is directed to depute a team of officials from Chennai to inspect the free service connection provided to the said Sai Ram Engineering College and if any irregularities found, suitable actions to be initiated in accordance with the procedures as contemplated under Law.

5.As far as the Writ Petitioner is concerned, he himself made statement before this Court that he is not doing the agricultural activities right from the year 2011. When, in his own admission, the petitioner admitted that no agricultural activities are going on for the past about 8 years, this Court is of an opinion that the restoration of free electricity connection cannot be provided to the Writ Petitioner with reference to the Electricity Supply Code. Thus, the petitioner is at liberty to submit a fresh application seeking free electricity service connection for agricultural purposes and in the event of receiving any such application from the Writ Petitioner, the authorities competent are bound to register the same and provide electricity connection by strictly following the rule of seniority and in accordance with the terms and conditions and the procedures as contemplated under the Electricity Supply Code and the Distribution Code and other relevant laws.

6. With these observations, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

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//True Copy//
Sub Assistant Registrar

To

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Tamil Nadu Electricity Board,
Somangalam, Chennai - 600 069.

+1cc to Mr.S.K.Rameshwar Advocate, S.R.No.84749

+2cc to Mr.M.Natarajan, Advocate, S.R.No.84283

+1cc to the Government Pleader, S.R.No.85119

W.P.No.4308 of 2018

RJI (CO)
GSP (07/01/2019)

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