

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 19114 of 2017

M.Palaniyandi

..Petitioner

vs

1. The District Collector,
Namakkal District.
2. The Executive Engineer,
Tamilnadu Electricity Board,
Namakkal - 637 002.
3. The Superintending Engineer,
Namakkal Distribution Region,
Tamilnadu Electricity Board,
Namakkal - 637 002.
4. The Assistant Engineer,
Tamilnadu Electricity Board,
Erumapatty,
Namakkal District.
5. The Junior Engineer,
Tamilnadu Electricity Board,
Erumapatty,
Namakkal District.

6. M.Marudhamuthu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to take appropriate action and to provide a electricity service connection to the petitioner bore well in Survey No.45/2A for agricultural purposes, based on application dated 03.11.2013.

For Petitioner : Mr.A.Mohamedhussain

For Respondents: Mr.R.S.Selvam
Government Advocate for R4

Mr.S.K.Rameshwar
Standing Counsel (TNEB) for R2 to R5

Mr.D.Shivakumar for R6

O R D E R

The relief sought for in this writ petition is for direction to direct the respondents 1 to 5 to take appropriate action and to provide a electricity service connection to the petitioner bore well in Survey No.45/2A for agricultural purposes, based on application dated 03.11.2013.

2. The short facts required for the purpose of considering the present writ petition are that the writ petitioner claims ownership in respect of the property in Survey No.45/2A and in respect of the said property, the petitioner submitted an application seeking electricity connection for agricultural purposes under the special category. The Board has not considered the claim of the writ petitioner, on the ground that the petitioner is not eligible to avail the service connection under the special category and this apart, a Civil Suit between the writ petitioner and the 6th respondent in respect of title of the property is pending before the Competent Civil Court of law in A.S.No.4 of 2018 on the file of the Principal District Court, Namakkal. Thus, the petitioner is not entitled for the relief sought for in this writ petition.

3. The learned counsel appearing on behalf of the Electricity Board relying on the counter affidavit has stated that as per the Special Preference Category as the TNEB guidelines in letter No. Lr.No.SE/RE&I(D) EE/RE/A2/F.Spl.Priority/D.No.55/2015 dated 31.01.2015 the beneficiary should not have any electricity connection in his name. But the petitioner has suppressed the matter that he had already service connection in his name in the land in Survey No.45/2G being SC No.207-003-400 with 5 HP Electric Motor obtained on 31.03.1998. When already the writ petitioner is enjoying the service connection in respect of Survey No.45/2G, he is not entitled to avail another service connection under the special category for agricultural purposes.

4. Further, the Learned counsel appearing for the

Electricity Board states that one service connection alone is permitted to one person and as far as the writ petitioner is concerned that was provided in Survey No.45/2G being SC No.207-003-400 with 5 HP Electric Motor. This being the factum of the case, the writ petitioner is not entitled for another service connection under the special category as per the guidelines issued in this regard.

5. This being the factum of the case, the writ petitioner is not entitled for the relief as such sought for in this writ petition. Accordingly, writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

pns/sk

To

1. The District Collector,
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4. The Assistant Engineer,
Tamilnadu Electricity Board,
Erumapatty, Namakkal District.
5. The Junior Engineer,
Tamilnadu Electricity Board,
Erumapatty, Namakkal District.

+1cc to Mr.D.Shivakumaran, Advocate, S.R.No. 60029
+1cc to Mr.A.Mohammed Hussain, Advocate, S.R.No. 59941
+1cc to the Government Pleader, S.R.No. 60613

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GN(19/09/2018)