

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM:

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P. No. 3730 of 2012
and
M.P. Nos. 1 & 2 of 2012

M. Sengodan .. Petitioner

..Vs..

1. The Tamil Nadu Electricity Board,
Rep. By its Chairman,
Anna Salai, Chennai.
2. The Executive Engineer,
Operations and Maintenance,
Dharmapuri - 5.
3. The Assistant Executive Engineer,
Operations and Maintenance,
Dharmapuri. .. Respondents

For Petitioner : M/s.M. Shanthanaraman

For Respondents- 1 to 3 : Mr.M.Varunkumar
Standing Counsel for TNEB
- - -

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the Order of the 2nd Respondent vide A/c.No.EE/O.M/DP/TECH U/D.T.A.U.C/2005/A No.153 dated 19.11.2009 and quash the same and direct the Respondents to grant free power supply to the Petitioner's land comprised in S.No.21/1 Kadamadai Village, Pennagaram Taluk, Dharmapuri District based on Petitioner's application dated 31.01.1985 within the time frame as may be stipulated by this Court.

ORDER

Heard M/s.M. Shanthanaraman, learned counsel for the petitioner and Mr.M.Varunkumar, learned Standing Counsel for respondents-1 to 3.

2. The petitioner has approached this Court for seeking the following relief,

"To call for the records pertaining to the Order of the 2nd Respondent vide A/c.No.EE/O.M/DP/TECH U/D.T.A. U.C/2005/A No.153 dated 19.11.2009 and quash the same and direct the Respondents to grant free power supply to the Petitioner's land comprised in S.No.21/1 Kadamadai Village, Pennagaram Taluk, Dharmapuri District based on Petitioner's application dated 31.01.1985 within the time frame as may be stipulated by this Court. ."

3. The case of the petitioner is as follows:-

The petitioner is the owner of the agricultural land measuring about 2.70.50 and 0.63 Hectares comprised in S.Nos.21/1 and 23/1B respectively situated in No.23, Kadamadai Village, Pennagaram Taluk, Dharmapuri District. On 31.01.1985, the petitioner had applied for free power supply to his Motor Pump Set used for his agricultural land. According to the petitioner, while making an application inadvertently mentioned the survey number of the land as "No.73" instead of "21/1". After coming to know the mistake committed by him in mentioning the survey number, the petitioner got a certificate from Tahsildar, Pennagaram dated 12.05.1998 stating that he had mentioned the wrong survey number and requested the authorities to correct survey number.

4. Due to a small error committed in the application form, matter has been kept pending without any action by the 2nd respondent and, after lapse of several years, the petitioner had received the communication dated 22.08.2005 directing the petitioner to register in order to get the free power supply and submit the document mentioned therein. According to the petitioner, in response to the said communication, he had furnished all the details to the authorities. However, no further action was taken, even after required details furnished to the authorities by the petitioner.

5. The petitioner on enquiry under the Right Information Act came to know that the reason for the 2nd respondent is not giving power supply was because of wrong mentioning of the survey no, as 73 instead of 21/1 and the said survey number was classified, as stream in the revenue records and not a Well. Eventually, the 2nd respondent issued proceedings dated 19.11.2009, rejecting the request of the petitioner for the same reason that the wrong survey number mentioned in the application form which was originally made in the year 1999.

6. Upon notice, Mr.M.Varunkumar, learned Standing Counsel for TNEB has entered appearance for Respondents-1 to 3 and filed a counter affidavit. The learned counsel for the respondents

would submit that, due to wrong mentioning of survey no.73 instead of 21/1, the power supply could not be given to the petitioner. But the learned counsel for the petitioner submits that on behalf of the petitioner that several letters have been addressed to the authorities concerned and mentioned the correct survey number and also pointed out that it is due to inadvertence, the survey number was wrongly mentioned in the original application. In spite of pointing out the mistake, the authorities are citing the same reason that survey number was wrongly mentioned.

7. The learned counsel for the petitioner would submit that the petitioner is prepared to submit all the required details to the authorities concerned within the time which would be stipulated by this Court and the authorities would be directed to consider the same and pass suitable order granting free power supply to the said land owned by the petitioner.

8. Considering the above said submissions made by the learned counsel on behalf of the petitioner and also the fact that the petitioner had committed a minor error in the form, which can not be held against him forever and deny him free power supply to his land, as per his entitlement.

9. In the circumstances, there will be a direction to the petitioner to furnish all the documents and details in respect of his request for grant of free power supply in respect of land for which it is required to the 2nd respondent within two weeks from the date of receipt of copy of the Order. Thereupon, the 2nd respondent is directed to consider the request of the petitioner by taking into consideration the original date of application made on 31.01.1985. The Order shall be passed by the 2nd respondent within a period of four weeks from the date of receipt of all the details and further representation made by the petitioner.

10. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)
//True Copy//
Sub Assistant Registrar

ksa

To

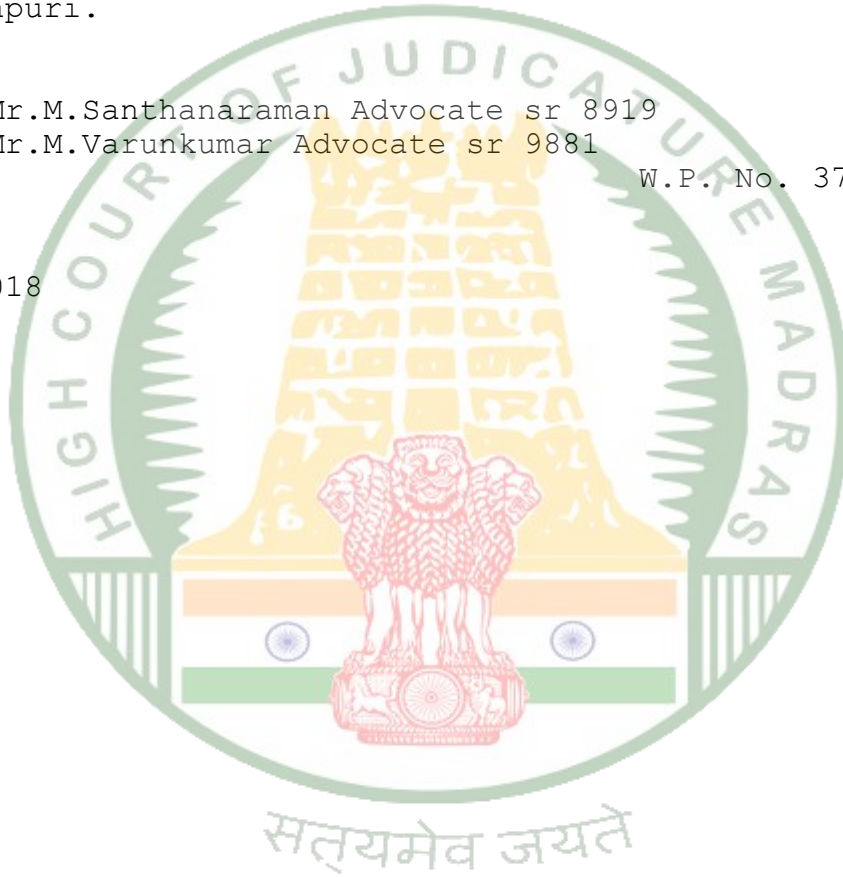
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+1 cc to Mr.M.Santhanaraman Advocate sr 8919

+1 cc to Mr.M.Varunkumar Advocate sr 9881

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aa22/03/2018



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