

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25924 of 2018

and

WMP.No.30130 of 2018

R.Mayakrishnan

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
10th Floor, NPKRR Maaligai,
144 Anna Salai,
Chennai - 600 002.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Operation and Maintenance Department,
Nellikuppam,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order dated 20.10.2017 made in Na.Ka.Se.Po/Epa/Nel/Tho.Nu.U/Ko.Vivasayam/A.No.155/2017 passed by the second respondent and quash the same and consequently direct the respondents to provide agricultural electricity connection to the agricultural pump set of the petitioner on the basis of the seniority No.034 dated 18.12.1998 attained by the application made by the father of the petitioner to irrigate his agricultural lands in S.No.508/6 of Sathamampattu, Keelmampattu Revenue Village, Panruti Taluk, Cuddalore District.

For Petitioner : Mr.K.Balu

For R1 & R2 : Mr.M.Varunkumar

ORDER

The petitioner has come up with this writ petition to quash the order dated 20.10.2017 passed by the second respondent and consequently direct the respondents to provide electricity connection to the pump set to irrigate his agricultural lands in

S.No.508/6 of Sathamampattu, Keelmampattu Revenue Village, Panruti Taluk, Cuddalore District, based on the seniority No.034 dated 18.12.1998 obtained by his father.

2.The case of the petitioner is that his father late Ramachandran, had applied for the electricity connection for the agricultural pump set to irrigate his lands in S.No.508/6 Sathamampattu Village, Panruti Taluk, Cuddalore District. On receipt of the said application, the first respondent registered the same and assigned seniority No.34 on 18.12.1998. Thereafter, the first respondent vide letter dated 30.10.2010, called upon the petitioner's father to submit certain documents and keep the motor and pump set ready for receiving power connection. Accordingly, he submitted the documents as called for by the first respondent and also made a written request dated 31.12.2015 to extend the time for keeping the pump set ready, citing the reason that he was suffering from age related illness and the borewell was in a dilapidated condition and hence, it has to be repaired for getting electricity connection. Due to his ill-health, the petitioner's father died on 23.09.2016. Thereafter, the petitioner sent a letter dated 17.09.2017 to the second respondent, requesting to grant electricity connection to the pump set lying in his agricultural lands, to which, he received a reply from the second respondent, vide letter dated 20.10.2017, wherein, it has been stated that the application made by his father in 1998 and seniority no.34 dated 18.12.1998 had lapsed due to his failure to register his readiness to receive the power connection within 5 years and hence, no power connection could be given. Aggrieved over the same, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that as the petitioner's father was continuously suffering from the age related illness, he was not in a position to register his readiness within the stipulated time. The learned counsel further submitted that due to inadvertence, the petitioner has not registered his readiness for obtaining power connection to the pump set lying in his agricultural lands. Hence, the learned counsel seeks indulgence of this Court to consider the case of the petitioner, by restoring the original seniority.

4.The learned counsel appearing for the respondents, on instructions, submitted that the claim of the petitioner for restoring the seniority with regard to supply of electricity connection to the pump set, would be considered by the second respondent, afresh.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the impugned order dated 20.10.2017 passed by the

second respondent is set aside and the matter is remanded back to the second respondent, who shall consider the claim of the petitioner and pass a fresh order, on merits and in accordance with law, within a period a eight weeks from the date of receipt of a copy of this order.

6.This writ petition stands allowed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Electricity Board,
10th Floor, NPKRR Maaligai,
144 Anna Salai,
Chennai - 600 002.

2.The Executive Engineer,
Tamil Nadu Electricity Board,
Operation and Maintenance Department,
Nellikuppam,
Cuddalore District.

+1cc to Mr.M.Varunkumar, Advocate SR.No.75371

+1cc to Mr.K.Balu, Advocate SR.No.74582

W.P.No.25924 of 2018

SVN(CO)

GMV(13/12/2018)

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