



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20806 of 2017

and

W.M.P.(MD) No.17091 of 2017

P.Periyasamy

... Petitioner

Vs.

1. The Superintending Engineer

Madurai - Electricity Distribution Circle

Madurai, Madurai District

2. The Executive Engineer

Madurai - Electricity Distribution Circle

Thirumangalam Division, Madurai District ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of certiorarified mandamus to call for the records of the impugned order in K.No.Sepo/Thiruma/thonu/Koo/A.No.813/16-17, dated on 22.03.2017 passed by the second respondent herein to quash the same as illegal and consequently directing the respondents to provide electricity connection to petitioners agriculture land in Survey No.84/10A to an extent of 0.15.0 Ars. in O.Alagulam Village, Thirumangalam Taluk, Madurai District, based on the petitioner's application No.099/99-2000, dated on 20.03.2000 with the second respondent herein, within a stipulated time.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mrs.S.Srimathy
Standing Counsel

ORDER

The only ground on which, the petitioner's application seeking for free agricultural electricity service connection came to be rejected is that he has failed to show his readiness within the stipulated time as contemplated under the provisions of the Tamil Nadu Electricity Regulatory Commission.

2. The learned standing counsel for the respondents, by relying upon a Circular, dated 22.09.2009, issued by the Chief Engineer / Planning & Resource Centre, Tamil Nadu Electricity Board, submitted that whenever there is a delay in reporting readiness by the applicants beyond the period of one year, an extension could be given upto five years from the date of expiry of 90 days notice period. After the expiry of five years, the application will stand



automatically cancelled and cannot be revoked. It is on the basis of this Circular, dated 22.09.2009, the petitioner's request for free agricultural electricity service connection after the period of five years has been cancelled.

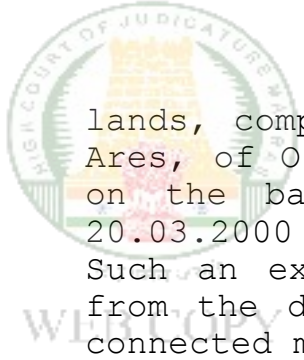
3. I have perused the Circular dated 22.09.2009 issued by the Chief Engineer / Planning & Resource Centre, Tamil Nadu Electricity Board, to all the Chief Engineers, Distribution, Region. Apparently, the said Circular is an interdepartmental circular and it cannot be deemed to be an order binding upon the petitioner as such.

4. In an identical situation, in W.P.(MD) No.3798 of 2013, this Court had an occasion to deal with the said Circular. The petitioner in the said writ petition had sought for free agricultural electricity service connection after a period of five years. This Court, by an Order dated 05.04.2013, had observed as follows:

"4. There is no dispute that the petitioner registered his name as early as on 24.12.1990 for the purpose of providing electricity service connection to his property in S.No.466/3 at Kalathur Village, Pattukottai Taluk, Thanjavur District. The first respondent appears to have issued a communication dated 06.06.2003 directing the petitioner to approach the third respondent for the purpose of providing service connection. Admittedly, the petitioner failed to respond to the said direction. The petitioner now wanted electricity service connection on the basis of his original registration. The first respondent, relying on the circular dated 22.09.2009 issued by the Chief Engineer, Chennai, denied service connection to the petitioner. The said circular is only a departmental communication, which has no sanction of law. When there is a service connection allotted to the petitioner, the same cannot be denied on the basis of a departmental circular issued by the Chief Engineer. Therefore, I am of the view that the Executive Engineer was not right in denying service connection to the petitioner"

5. The above order is self-explanatory. As such, the respondents may not be justified in relying upon the Circular, dated 22.09.2009 and thereby, deny free agricultural electricity service connection to the petitioner herein.

6. In the result, the writ petition is allowed and the impugned order in K.No.Sepo/Thiruma/thonu/Koo/A.No.813/16-17, dated 22.03.2017, passed by the second respondent, is quashed. The second respondent herein is directed to provide free agricultural electricity service connection to the petitioner's agriculture



lands, comprised in Survey No.84/10A, measuring an extent of 0.15.0 Ares, of O.Alagulam Village, Thirumangalam Taluk, Madurai District, on the basis of the original registration of his name, dated 20.03.2000 for free agricultural electricity service connection. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

+1CC to Mr.D.Balamurugapandi, Advocate, SR.No. 74041
+1CC to Mr.S.M.S.Johnny Basha, Advocate, SR.No. 73883

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