

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.11387 of 2012

A.Elumalai

.. Petitioner

-vs-

1.The Executive Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board,
Gingee-604 202,
Villuppuram District.

2.Junior Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board,
Devanur, Villupuram District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified mandamus calling for the records relating to the impugned order dated 29.02.2012 Ref.No.Ka.No.se.po/e&Pa/se/Thonu-2/Ko.Mela.Manu/No.26/11-12 passed by the first respondent and quash the same and consequently direct the respondents to grant Agriculture Service connection in respect of service connection Register No.365/28-1-85 within such time to be fixed by this Court.

For Petitioner : Mr.V.Vadivel

For Respondents : Mr.M.Varunkumar,
Standing Counsel

ORDER

The petitioner has filed the writ petition challenging the impugned order dated 29.02.2012 Ref.No.Ka.No.se.po/e&Pa/se/Thonu-2/Ko.Mela.Manu/No.26/11-12 passed by the first respondent and seeking a direction to the respondents to grant Agriculture Service connection in respect of service connection Register No.365/28-1-85 within a prescribed time.

2.Learned counsel appearing for the petitioner submitted that the petitioner's father applied electricity service connection before the respondents for the purpose of irrigating water to his agriculture lands on 28.01.1985 and the same was received by the respondents. Due to his old age, he has decided to transfer the properties in the name of the petitioner and thereby, all revenue records had been transferred in the name of the petitioner. While so, on 16.09.1995, the petitioner's father made a representation to the respondent authorities seeking to transfer the service connection in the name of the petitioner and grant electricity service connection in his name and the same was applied by the petitioner's father on 28.01.1985 before the respondent vide service connection Register No.365/28-1-85. In the meantime, the Village Administrative Officer, gave a letter dated 15.09.1995 to the petitioner's father stating that their family properties have been transferred in the petitioner's name and therefore, there is no objection for transferring the electricity service connection in the name of the petitioner. Pursuant to the representation made by his father, the respondent authorities directed the petitioner to pay necessary transferring charges and thereby, the petitioner paid the transferring charges of Rs.100/- to the respondent authorities on 20.01.1997. Subsequently, the petitioner made a detailed representation to the respondent authorities seeking to transfer the electricity service connection and grant electricity service connection. While so, on 05.09.2011, the second respondent issued a communication to the petitioner stating that he has to produce death certificate of his father and also revenue records before the second respondent. In view thereof, the petitioner submitted all the records as required by the second respondent, but, the first respondent issued the impugned order dated 29.02.2012 stating that the petitioner has not produced the requisite documents within five years from the date of notice issued by the respondent authorities and refused the service connection. When the petitioner has produced all relevant documents before the respondents, the impugned order has been passed without application of mind and therefore, the same is liable to be set aside.

3.A detailed counter affidavit has been filed by the respondents taking a stand that the petitioner has to produce all relevant documents.

4.Heard both sides.

5.A perusal of the above counter would show that the Tamil Nadu Electricity Board is ready to effect supply to the said irrigating well of the petitioner on production of furnishing ownership and name transfer records including death and legal

heir certificate. In para 9 of the counter it has been stated as under:

'However it is respectfully submitted that the five years notice ended as on 29.08.2011. Taking the petitioner's letters dated 27.01.2011 and 27.07.2011 alive as his request for time extension made before 29.08.2011 and if the Hon'ble High Court order revocation of the case as a lenient view, asking the petitioner to furnish latest ownership and name transfer records in complete shape including death and legal heir certificate, the T.N.E.B. is ready to abide by verdict from the Hon'ble Court in the matter of effecting supply to the said irrigating well.'

6.Since the Village Administrative Officer has given a certificate dated 15.09.1995 certifying that all the properties stand in the name of the petitioner, the impugned order is set aside and the respondents are directed to grant agriculture service connection to the petitioner on the basis of the representation dated 28.01.1985 made by the petitioner's father, by transferring the name of the petitioner, if the seniority is due for getting service connection. With the above direction, the writ petition stands allowed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Executive Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board,
Gingee-604 202,
Villuppuram District.

2.Junior Engineer,
Operation and Maintenance (O&M),
Tamil Nadu Electricity Board,
Devanur, Villupuram District.

+1 CC to Mr.A.V. Raja, Advocate sr 80156.

+1 CC to Mr.M.Varunkumar, Advocate sr 80050

W.P. No.11387 of 2012

KS (CO)

SP(16/10/2019)