

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.905 of 2019

U.Subramaniam

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Petitioner

-vs-

1.The Secretary,
Energy Department,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.

2.The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
TANGEDCO,
73-C, Durgalaya Road,
Thiruvarur.

4.The Executive Engineer,
TANGEDCO,
Pookkollai Road,
Mannargudi, Thiruvarur District.

5.The Divisional Engineer,
TANGEDCO,
Mannargudi, Thiruvarur Dt.

6.The Junior Engineer,
TANGEDCO,
Ullikkottai,
Mannargudi - Taluk,
Thiruvarur District.

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Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing

the respondents to give the electricity connection to the petitioner for agricultural pump set situated in S.No.168/1B2 in Thalikkottai Village as per the application No.404/2004-05/11.10.2004, dated 11.10.2004 and within a stipulated period.

For Petitioner :: Mr.S.Baskaran

For Respondents:: Mr.K.Ravikumar,
Additional Government Pleader
for R1

Mr.P.Gunaraj,
Standing Counsel
for R2 to R6

ORDER

The petitioner has come to this Court seeking a direction to the respondents to give electricity connection for his agricultural pump set situated at Thalikkottai Village as per Application No.404/2004-05/11.10.2004, dated 11.10.2004 within a stipulated period.

2.According to the learned counsel for the petitioner, the petitioner owned agricultural lands measuring to an extent of 3 acres in Thalikkottai Village. As per the self financing scheme announced by the Government of Tamil Nadu for getting electricity connection to the agricultural pump set, the petitioner has applied on 11.04.2004 and after five years, he was directed to pay Rs.500/- for advance estimate cost and the same has been paid by him on 06.07.2009. However, he was also directed to pay a sum of Rs.49,500/- at the time of sanctioning of electricity connection. As the petitioner did not get any communication from respondents 2 to 6, even after fourteen years, he applied under Tariff 3-A(1) scheme and got the electricity connection and he has been paying Rs.4.60 per unit as per the said Scheme. सत्यमेव जयते

According to the learned counsel appearing for the petitioner, the petitioner being a small farmer, after getting electricity connection, has been paying Rs.4.60 per unit under Tariff 3-A(1) scheme and so far under the said Scheme, he has paid about Rs.4,00,000/- for the consumption of electricity charges. Therefore, the petitioner is now before this Court seeking a direction to the respondents to give free electricity connection for his agricultural pump set situated at Thalikkottai Village as per his Application No.404/2004-05/11.10.2004, dated 11.10.2004.

3.A detailed counter affidavit has been filed by the sixth respondent. Reiterating the averments made in the counter affidavit, Mr.P.Gunaraj, learned Standing Counsel appearing for respondents 2 to 6 would submit that the petitioner has submitted an application under the category of free electricity for agriculture on 11.10.2004 and the same has been registered with Registration No.404 on 11.10.2004. Since a huge number of applications are in the waiting list for the agricultural free supply, the T.N.E.R.C. had introduced a new scheme under Tariff IIIAI and therefore, if the applicants opted under the said scheme, the applications will be considered on seniority basis within the quota fixed for every year under the ordinary scheme and when their turn comes under the seniority basis, their service connection effected under Tariff IIIAI will be converted to Tariff IV as per the present Rule.

4.As it is established by the learned Standing Counsel appearing for respondents 2 to 6 that the applications seeking free electricity connection will be considered on the basis of seniority and the petitioner's application dated 11.10.2004 seeking free electricity connection has not been matured till date and as and when the petitioner reaches the seniority, service connection effected under Tariff IIIAI will be converted to Tariff IV as per the present Rule, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

The Secretary,
Energy Department,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.

WEB COPY

2.The Chairman,
TANGEDCO,
Anna Salai,
Chennai - 600 002.

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TANGEDCO,
73-C, Durgalaya Road,
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Mannargudi, Thiruvavarur Dt.

6.The Junior Engineer,
TANGEDCO,
Ullikkottai,
Mannargudi - Taluk,
Thiruvavarur District.

+1cc to M/s.S.Baskaran, Advocate sr.no.13212
+1cc to M/s.Gunaraj, Advocate sr.no.13554
+1cc to M/s.C.D.Johnson, Advocate sr.no.13894
+1cc to Government Pleader sr.no.14151

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सत्यमेव जयते

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