

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15084 of 2010

and

M.P.No.1 of 2010

1.N.E.Shanmugham

2.P.Radhakrishnan

..Petitioners

-Vs-

The Executive Engineer,
Tamil Nadu Electricity Board,
Erode Electricity Distribution Circle,
Erode.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records relating to Ka.No.EE/Urban/E/Va.A.Ko.Viva.No.172/2010- on the file of the respondent herein, quash the same and consequently direct the respondent herein to accord sanction for grant of 10 HP electricity service connection on the petitioners' application registration number 2464/1989.

For Petitioner : Ms.Zeenath Begam
for Mr.V.Rajesh

For Respondents : Mr.S.K.Rameshuwar

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorari Mandamus, calling for the records relating to Ka.No.EE/Urban/E/Va.A.Ko.Viva.No.172/2010- on the file of the respondent herein, quash the same and consequently direct the respondent herein to accord sanction for grant of 10 HP electricity service connection on the petitioners' application registration number 2464/1989.

2.Petitioners are the owner of the property. The first petitioner applied to the respondent/Electricity Board for grant of a 5 HP electricity service connection for agricultural

purposes for drawing water from the well, situated in S.No.302 Ayyampalayam Village, in 1989 under the Normal Priority Scheme, and he was assigned Registration number 2464 of 1989. At the time of making such application, the water in his well was at the depth of 40 ft. Therefore, for drawing water a 5 HP electric motor was found to be sufficient at that point of time. Subsequently, other family members have sold their shares in their agricultural lands to the second petitioner herein by sale deed dated 29.12.2009. The respondent/Electricity Board has by letter dated 16.04.2010 included the second petitioner's name also in the application for grant of electricity service connection. Subsequently, the well depth level increased to 80 ft. Thereafter, he made an another application for 10 HP electricity service connection and the same was rejected by the Electricity Board. Hence, the present Writ petition is filed.

3.The learned counsel appearing for the petitioners submitted that a direction may be issued to the respondents to grant electricity service connection on the petitioners' application bearing registration number 2464 under the Normal Priority Scheme. He further submitted that the petitioners are ready to accept the grant of electricity connection as and when granted under the Normal Priority Scheme, since, the water which was drawn on a 5 HP motor from a depth of 80 ft well, will be equivalent to water drawn on a 3 HP motor from normal depth.

4. The learned counsel appearing for the respondent would submit that both the petitioners have represented on 12.04.2010, to enhance the connected load from 5 HP to 10 HP at the application stage and if not possible the same may be given under Revised Self Financing Scheme Rs. 10,000/-category. He further submitted that the necessary intimation has been issued to the petitioners vide the respondent office letter No. EE/U/Erode/F.Agr.No.174/2009-10 dated 21.05.2010 by explaining the facts and they have also been asked to give option for effecting agricultural service to their well under RSFS Rs.25,000/- or Rs.50,000/- paying category. After some time, the respondent issued notice to the petitioners for availing agricultural service connection to their open well at various point of time. but the petitioner did not avail the schemes. on the other hand the petitioner once again requested for enhancing the applied load from 5 HP to 10 HP under normal priority which was rejected by the respondent. The petitioners having failed to avail the opportunities given by the respondent. He prayed for dismissal of writ petition with costs.

5. In view of the limited prayer sought for by the petitioners, this Court hereby directs the respondent/Electricity Board to grant of service connection No.019-005-1098. After getting service connection, if any representation

made by the petitioners, the respondents are directed to pass appropriate orders for enhancement of 10 HP.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

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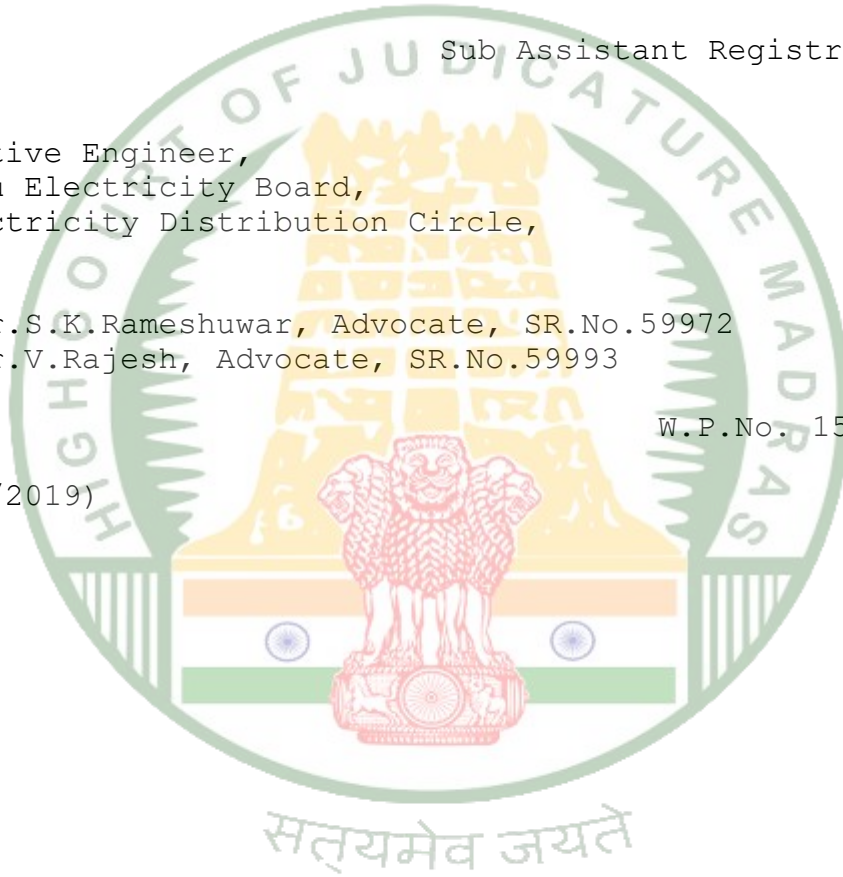
To Sub Assistant Registrar

The Executive Engineer,
Tamil Nadu Electricity Board,
Erode Electricity Distribution Circle,
Erode.

+1cc to Mr.S.K.Rameshuwar, Advocate, SR.No.59972
+1cc to Mr.V.Rajesh, Advocate, SR.No.59993

W.P.No. 15084 of 2010

Kak(17/09/2019)



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