

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.8025 of 2013

A.C.Ramalingam

.. Petitioner

-vs-

The Executive Engineer,
Tamilnadu Electricity Board,
Distribution/South,
949 EVN Road,
Erode-9.

.. Respondent

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records from the file of respondent made in Ref.No.K.No.Se.Po.V.The.E.Tho.Nu.U.1/Ko.AV/No.6788/A.No.292/2012/13 dated 13.09.2012 and quash the same and consequently direct the respondent to provide electricity service connection to the petitioner to his well in his Survey No.927/2 of Punjiakalamangalam Village.

For Petitioner :: Mr.B.Gopalakrishnan for
Mr.K.Kalyanasundaram

For Respondent :: Mr.S.K.Raameshuwar,
Standing Counsel

ORDER

The writ petition has been filed challenging the impugned Ref.No.K.No.Se.Po.V.The.E.Tho.Nu.U.1/Ko.AV/No.6788/A.No.292/2012/13 dated 13.09.2012 and seeking a direction to the respondent to provide electricity service connection to the petitioner's well in his Survey No.927/2 of Punjiakalamangalam Village.

2.Learned counsel appearing for the petitioner, producing a copy of the patta issued on 30.04.2010, would submit that as the petitioner is one of the joint pattadars, he has rightly moved an application seeking electricity service connection to the respondent. But in the said application the petitioner has wrongly mentioned the Survey Number as 935/1 instead of 927/2. Therefore, the impugned order passed by the respondent be set aside and a direction be given to the respondent to give electricity service connection, accepting the case of the petitioner by providing service connection in S.F. No.927/2.

3.Counter affidavit has been filed by the respondent. Learned Standing Counsel appearing for the respondent would submit that when the petitioner submitted an application for agricultural service connection, he has wrongly mentioned the S.F. Number as 935/1, Punjaikalamangalam Village instead of S.F. No.927/2. Thereafter, the Board officials also inspected the S.F. No.935/1 and found no well therein. Subsequently, the petitioner wrote a letter requesting the respondent to change the correct Survey Number in his application and provide electricity service connection to his well at S.F. No.927/2. In view of the above, the petitioner be directed to move another application, it is pleaded.

4.But this Court is unable to agree with the submission made by the learned Standing Counsel appearing for the respondent. It is a claim of the petitioner that at the time of seeking electricity service connection, the petitioner, in his application, instead of mentioning S.F.No.927/2, has wrongly mentioned the S.F. No.935/1. A Certificate obtained from the Village Administrative Officer would show that the petitioner is not the owner of the land in S.F. No.935/1, but, he is the owner of S.F. No.927/2. Therefore, this Court finds no impediment to direct the respondent to give service connection to the petitioner. If the petitioner comes to the office of the respondent with patta, adangal, other necessary documents along with requisition letter and a copy of this order, the respondent is directed to provide service connection to the petitioner on the basis of the seniority from the date of filing the application. Accordingly, the impugned order is quashed and the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Executive Engineer,
Tamilnadu Electricity Board,
Distribution/South,
949 EVN Road, Erode-9.

+1 cc to M/s.S.Gunalan, Advocate Sr.No. 87277

AKM/03.12.19/2P-3C /

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