

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9124 of 2019

T.Subramanian

..Petitioner

-Vs-

1. The Executive Engineer (O&M)
Tamilnadu Generation and Distribution Corporation
(TANGEDCO)
Vadakkumadhavi Road
Perambalur 621 212
2. The Assistant Engineer (O&M)
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Chettikulam, Alathur Taluk
Perambalur District

..Respondents

Parayer:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to provide new agricultural service connection bearing Regn.No.71 dated 01.06.1999 to the petitioner's lands in SF No.37/4-C of Periyavenmani East Village, Kunnam Taluk, Perambalur District.

For Petitioner:: Mr.S.Kamadevan

For Respondents:: Mr.P.Gunaraj
Standing Counsel

ORDER

The petitioner has again come to this Court initiating second round of litigation with the same prayer for issuance of a writ of mandamus directing the same respondents to provide new agricultural connection to his land covered in S.F.No.37/4-C situate at Periyavenmani East Village, Kunnam Taluk, Perambalur District. It is the claim of the petitioner that after partition of his family properties and also agricultural lands, the petitioner was allotted the land in Survey Nos.37-2C, 37-2F, 37-4B situate at Periyavenmani East Village, Nallarikkai, Kunnam Taluk. In addition thereto, he had also purchased the properties

in Survey Nos.37/4A, 37/4C and 37/2-D2 from third parties which are adjacent to his agricultural lands. As his brother Mr.Sengamalai filed a suit in O.S.No.193 of 1990 before the Sub Court, Ariyalur claiming right over his property in Survey No.37/2F, after heavy contest, the suit was dismissed and further, he preferred an appeal in A.S.No.328 of 1994, which was also dismissed by the learned District Judge, Tiruchirappalli on 19.3.96. Thereafter only, the petitioner applied for separate agricultural service connection on 1.6.99 for his borewell dug in the land covered in Survey No.37/2F. But the respondents intimated the petitioner about the new service connection on 1.11.2010 and also to purchase the pumpset and other requirements to do the needful. However, taking note of the objection raised by his brother Mr.Sengamalai, the Electricity Department refused to give service connection to the land covered in Survey No.37/2F. In view thereof, the petitioner modified his request to give service connection in respect of the land covered in Survey No.37/4C, instead of Survey No.37/2F.

2. As there was a delay caused by the respondents, the petitioner came to this Court with Writ Petition No.33591 of 2015 seeking a direction to the respondents to provide new agricultural service connection to the land covered in Survey No.37/4C instead of Survey No.37/2F. This Court on 16.1.2015, after hearing Mr.P.Gunaraj, learned standing counsel, finding that the petitioner is the absolute owner of the land covered in Survey No.37/4C, disposed of the matter directing the Electricity Department to take a decision on the representation within a period of four weeks from the date of receipt of copy of the order. After this order, once again the petitioner's brother Mr.Sengamalai raised objection before the respondents not to give electricity service connection to the land covered in Survey No.37/4C also. Hence, he has come to this Court.

3. Mr.P.Gunaraj, learned standing counsel for the respondents submitted that if there is any interim order passed by the civil Court, that would be a problem to give the electricity connection. Otherwise, subject to fulfillment of the usual formalities by the petitioner, the respondents will do the needful.

4. In reply, the learned counsel for the petitioner submitted that there is no interim order passed by the civil Court.

5. Recording the statement made by the learned counsel for the petitioner that there is no interim order, this Court hereby directs the respondents to provide the new agricultural service connection to the land in Survey No.37/4C, Periyavenmani East Village, Kunnam Taluk, Perambalur District owned by the

petitioner, on compliance of the usual formalities by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

ss

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Executive Engineer (O&M)
Tamilnadu Generation and Distribution Corporation
(TANGEDCO)
Vadakkumadhavi Road
Perambalur 621 212
2. The Assistant Engineer (O&M)
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Chettikulam, Alathur Taluk
Perambalur District

+1cc to Mr.P.Gunaraj, Advocate, SR.No.30072
+1cc to Mr.S.Kamadevan, Advocate, SR.No.29870

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Kak (29/05/2019)

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