

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.18734 of 2018

R.Palanisamy

.. Petitioner

-vs-

1.The Executive Engineer,
TANGEDCO,
Palladam Distribution Circle,
Palladam, Tiruppur District,
Pin-641 664.

2.The Assistant Engineer,
TANGEDCO,
V.Kallipalayam,
Palladam Taluk,
Tiruppur District.

.. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to accept the petitioner's application dated 29.05.2018 and issue tariff V commercial three phase electricity connection to the petitioner's property comprised in Survey No.54/2, V.Vavipalayam Village, Palladam Taluk, Tiruppur District, by receiving necessary charges.

For petitioner : Mr.K.Balaji

For respondents : Mr.S.K.Raameshuwar
Standing Counsel

WEB COPY
ORDER

The writ petition has been filed seeking a direction to the respondents to accept the petitioner's application dated 29.05.2018 and issue tariff V commercial three phase electricity connection to the petitioner's property comprised in Survey No.54/2, V.Vavipalayam Village, Palladam Taluk, Tiruppur District, by receiving necessary charges.

2.Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property comprised in Survey No.54/2 situated at V.Vavipalayam Village, Palladam Taluk, Tiruppur District and originally, the said land was an agricultural land and due to failure of weather and various reasons, the land becomes dry and no agriculture activity is being taken place in the said property. Therefore, he also dig bore well in the said property and availed LAIIIAI three phase electricity connection from the respondents and paid necessary charges regularly to the respondents. While so, during the month of April 2018, the electricity theft squad inspected the petitioner's property and imposed fine on the petitioner on the allegation that he has been utilising the bore well water for commercial purpose. However, the respondents insisted the petitioner to surrender the LAIIIAI three phase electricity connection and avail tariff V commercial electricity connection and therefore, the petitioner has surrendered the LAIIIAI electricity connection to the respondents and also paid charges for the same.

3.According to the learned counsel for the petitioner, since the petitioner could not use the bore well water for agriculture and no ground water is available and he is in need of water for developing the poultry farm, the petitioner requested the respondents to give tariff V commercial three phase electricity connection and also given an application for the same, but the respondents refused to receive the application. Hence, the petitioner is before this Court.

4.Learned counsel appearing for the petitioner would submit that when as per the instructions of the respondents, the petitioner has surrendered the LAIIIAI three phase electricity connection to the respondents and applied for tariff V commercial electricity connection, the respondents ought to have issued the tariff V commercial three phase electricity connection to the petitioner's property.

5.By filing counter affidavit, learned counsel appearing for the respondents would submit that though the petitioner has given a new application with recent documents for availing tariff V connection for selling water, there has been an objection raised from people and farmers of Kottapalayam village stating that the petitioner has been selling nearly 10 lakhs litres of water per day to nearby poultry farms and mills, which lead to tremendous decrease in ground water level and therefore, the petitioner's application has not been processed.

6.When the petitioner is the owner of the above said land and he has invested huge money for digging bore well and by

utilising the bore well, he has been carrying on business and eking out his livelihood, the respondents ought to have processed the application of the petitioner and therefore, this Court is not able to find any justification on the part of the respondents in not processing the application of the petitioner on the guise of objections from others. Accordingly, the writ petition is allowed and the respondents are hereby directed to accept the petitioner's application dated 29.05.2018 and issue tariff V commercial three phase electricity connection to his property within a

period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Executive Engineer,
TANGEDCO,
Palladam Distribution Circle,
Palladam, Tiruppur District,
Pin-641 664.

2.The Assistant Engineer,
TANGEDCO,
V.Kallipalayam,
Palladam Taluk,
Tiruppur District.

+1cc to Mr.K.Balaji, Advocate, S.R.No. 13279

W.P. No.18734 of 2018

SVI (CO)
GN(11/03/2019)