

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.3511 of 2019

U.Subramaniam, M/A-70 years,
S/o.M.Uthirapathy,
East Street,
Thalikkottai Post,
Mannargudi Taluk,
Thiruvarur District. ... Appellant

Vs

1.The Secretary,
Energy Department,
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 District.

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

... Respondents

PRAYER : Appeal against the order made in W.P.No.905 of 2019 dated 13.02.2019 on the file of this Court.

Prayer in WP No.905/2019 : Writ Petition filed under Article 226 of the constitution of India praying to issue 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 Thallikkottai Village as per the application No.404/2004-05/11.10.2004 dated 11.10.2004 and within a stipulated period.

For Appellant : Mr.C.D.Johnson

For Respondents : Mr.P.Gunaraj
Standing counsel for TNEB

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred against the order of the learned single Judge, dismissing W.P.No.905 of 2019 filed by the appellant, seeking Writ of Mandamus to give electricity connection to him for agricultural pump set situated in S.No.168/182 in Thalikkottai Village as per his application No.404/2004-05/11.10.2004 dated 11.10.2004.

2.The case of the appellant is that he owns an agricultural land measuring about 3 acres in Thalikkottai village. He had applied for free electricity connection on 11.10.2004 and after five years, the appellant was directed to pay a sum of Rs.500/- for advance estimate cost and the same had been paid by him on 06.07.2009. However, the appellant was further directed to pay a sum of Rs.49,500/- at the time of sanctioning of electricity connection. Since the appellant had waited sufficiently, he had applied under tariff 3-A(1) scheme and got the electricity connection and had been paying Rs.4.60/- per unit as per the said scheme. Since the petitioner is an agriculturist he is unable to pay the electricity charges and approached this Court, seeking direction to the respondents to give free electricity connection as per his application dated 11.10.2004.

3.Before the learned single Judge, the electricity board stated that the appellant had applied for free electricity connection on 11.10.2004 and his application is pending and as per the seniority he will be given free electricity connection. Meanwhile the petitioner opted for 3-A(1) scheme and got the electricity connection and is paying the consumption charges. Till the appellant's application for free electricity connection taken up for consideration as per seniority, the appellant has to pay the consumption charges as per 3-A(1) scheme. Therefore, the learned single Judge dismissed the Writ Petition.

4.The learned counsel appearing on behalf of TNEB would submit that there is a difference in policy for the persons who pays the money under tatkal scheme and 3-A(1) scheme. When the person opt for taktal scheme and pays all the infrastructural charges, they are being given priority whereas the appellant only applied under free electricity connection and got connection under 3-A(1) tariff. The policy of the Government cannot be found fault with as there is financial crunch on the part of the electricity board and number of persons who apply are also more. A method has been adopted by the electricity board by inviting the people to pay money and get electricity connection and therefore, they cannot be found fault with.

5.As far as the appellant is concerned, it is not as if everything is closed. Even according to the appellant, he is at seniority number 17 for getting free electricity connection. If his application is taken up as per seniority, definitely, he will be granted free electricity connection. Till that time he has to pay the charges under 3-A(1) scheme. Therefore, the impugned order passed by the single Judge cannot be found fault with.

6.Accordingly, appeal fails and the same is dismissed.
No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sai

1.The Secretary,
Energy Department,
St. George Fort,
Chennai 600 009.

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

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

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

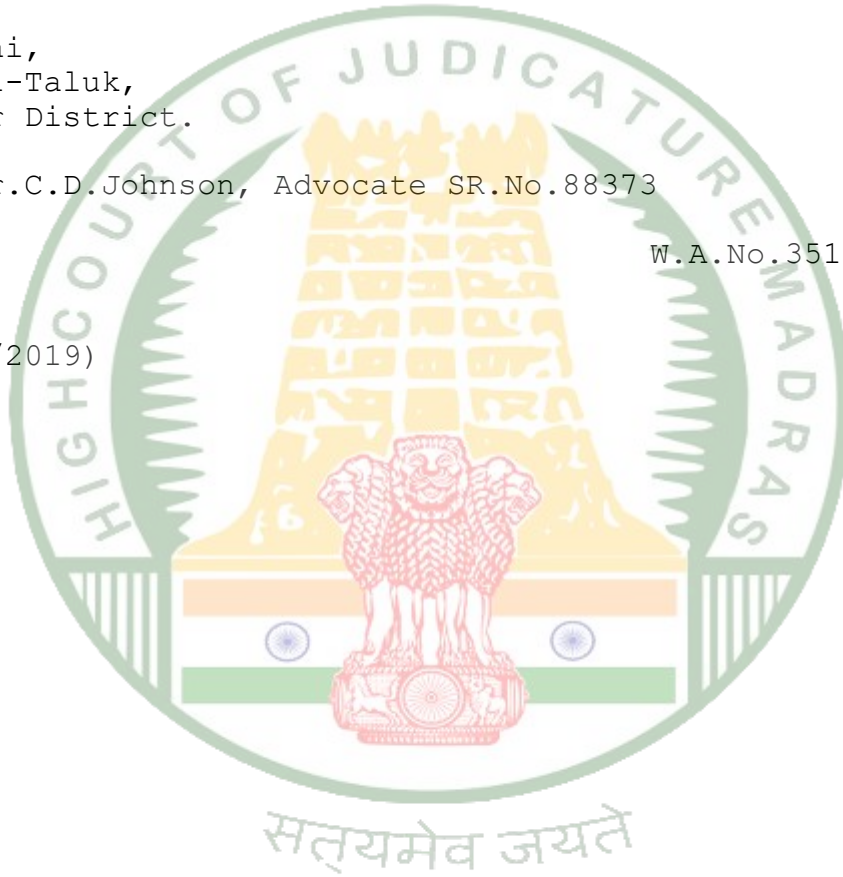
5.The Divisional Engineer,
TANGEDCO,
Mannargudi,
Thiruvarur District.

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

+lcc to Mr.C.D.Johnson, Advocate SR.No.88373

W.A.No.3511 of 2019

PM(CO)
GMY(19/11/2019)



WEB COPY