

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31671 of 2019

N.Jayakrishnan

.. Petitioner

/versus/

1.The Superintending Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Gandhi Nagar, Vellore-6,
Vellore District.

2.The Divisional Engineer (North),
Tamil Nadu Electricity Generation &
Distribution Corporation,
Gandhi Nagar, Vellore-6,
Vellore District.

3.The Additional Divisional Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Madhi Nagar,
Katpadi, Vellore-6,
Vellore District.

4.The Assistant Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Latheri-632 202
Katpadi Taluk,
Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the the respondents to give electric service connection as per the petitioner's application dated 24.10.2019.

For petitioner : Mr.R.Anbalagan

For Respondents : Mr.Varun Kumar, St.c

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel for TANGEDCO.

2. The case of the petitioner is that his father Nalla Reddy applied for agriculture service connection for his land on 18.07.1989 and it was registered and accepted by the 4th respondent with registration No.1578. After four years, his father Nalla Reddy died on 26.10.1993 leaving the petitioner, his mother and his younger brother Gnanasekar. On 04.11.2010, the petitioner submitted an application for name transfer along with no objection from the other legal heirs of Nalla Reddy. Accordingly, his application and no objection from the other legal heirs received by the respondent and after perusing the documents issued proceedings No.10 EE/O & M/KPD/TA/F.13/2011 dated 15.02.2011 accepting the name change from Nalla Reddy to Jayakrishnan (Petitioner). Thereafter, the petitioner has purchased the motor pump sets and other necessary equipments. However, he was not provided with service connection in spite of several requests. At last, on 08.04.2019, the 1st respondent has informed the petitioner that there is no application pending in the name of the petitioner and if he need service connection, he has to make fresh application. The communication of the Executive Engineer is contrary to the earlier order passed by the department on 15.02.2011 effecting name transfer of the application registered as 1578 dated 18.07.1989. Hence, the present writ petition is filed by the petitioner seeking Mandamus to direct the respondents to give electrical service connection.

3. The learned counsel appearing for the respondent states that the petitioner has failed to renew the application within a period of five years and therefore, the application has lapsed. Hence, he was directed to make fresh application.

4. From the records, this Court finds that the original applicant Nalla Reddy died on 26.10.1993. Thereafter, the petitioner herein along with no objection letter from the other legal heirs has submitted the application for transfer of his name that was positively considered by the department and orders was passed on 15.02.2011, changing the name of the deceased applicant by replacing the name of the petitioner, who is the son of the deceased applicant.

5. Therefore, the order of the Executive Engineer, TANGEDCO, Katpadi dated 08.04.2019 stating that there is no application pending in the name of the petitioner itself is not correct and not based on the record. Therefore, it is directed to the respondents that the application bearing registration No.1578 has to be taken into consideration for providing service connection to the petitioner and according

to the said seniority, the petitioner request to provide service connection shall be considered and pass appropriate orders.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintending Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation,
Gandhi Nagar, Vellore-6,
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Tamil Nadu Electricity Generation &
Distribution Corporation,
Latheri-632 202
Katpadi Taluk,
Vellore District.

+2cc to Mr.R.Anbalagan, Advocate SR.97982
+1cc to Mr.Varun Kumar, Advocate SR.98247

W.P.No.31671 of 2019

BP (CO)
CB (07/01/2020)