

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.25115 of 2018
and
W.M.P.No.29186 of 2018

M.Padmanaban

.. Petitioner

/versus/

1.The District Collector,
Perambalur,
Perambalur District.

2.Superintending Engineer (O&M),
TANGEDCO,
Perambalur District.

3.Executive Engineer (O&M),
TANGEDCO,
Perambalur District.

4.Assistant Executive Engineer (O&M),
TANGEDCO,
Sirvachur,
Perambalur District.

5.Assistant Engineer (O&M),
TANGEDCO,
Kalakkanatham,
Perambalur District.

6.Junior Engineer (O&M),
TANGEDCO,
Padalur,
Perambalur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in the letter No.Se.Po/E.Ka/Pera/Tho.Nu.2/Ko.Th. A.Vu.Sa/A.No.720/18 dated 13.02.2018 and quash the same and to direct the 3rd respondent to provide free agricultural service connection for the electricity connection

No.1096/7F III A-1 for the Horticulture Well situated at Survey No.2/2B, Karai Village, Alathur Taluk, Perambalur District 621 109, based on the seniority list in the Division Registration No.406/93-94 dated 16.10.1993.

For Petitioner :Mr.C.Jayaprakash
For Respondents :Mr.N.Inbanathan, AGP for R1
Mr.Gunaraj for R2 to R6

ORDER

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus to call for the records in the letter No.Se.Po/E.Ka/Pera/ Tho.Nu.2/Ko.Tha. A.Vu.Sa/A.No.720/18, dated 13.02.2018; quash the same and to direct the 3rd respondent to provide free agricultural service connection for the electricity connection No.1096/7F III A-1 for the Horticulture Well situated at Survey No.2/2B, Karai Village, Alathur Taluk, Perambalur District 621 109, based on the seniority list in the Division Registration No.406/93-94, dated 16.10.1993.

2. Despite giving sufficient time to file counter, the respondents have not chosen to file counter.

3. The specific allegation in this writ petition is that the petitioner's father applied for free service connection to his agricultural land in the year 1993. Though his turn in seniority has come, the respondents have denied the service connection on one pretext or another expecting some extraneous consideration. Meanwhile, the petitioner's father/applicant has lost his breath and subsequently, the petitioner herein, who has inherited the property, is pursuing the application.

4. The attitude of the respondents not filing the counter for one year after taking notice, is also reflected from the manner in which they have not considered the representation of the petitioner herein ever since 2007 i.e after 12 years of the application made by the petitioner's father and when the turn of the petitioner's father was ripe and due.

5. The Public Information Officer of the respondents' office has informed through his communication dated 13.02.2018 that the petitioner's father Moovan applied for free service connection on 16.10.1993 in Reg.No.406/93-94. The third respondent has informed the applicant through his letter dated 02.11.2010 to make all arrangements within 90 days for providing service connection. Since the petitioner's father did not arrange for service connection within 90 days by getting himself registered, it is informed that the application got lapsed.

Further, the request of the petitioner to change the service connection from the horticulture to the agriculture purpose also not acceded.

6. However, according to the petitioner, on receipt of the communication from the 3rd respondent on 02.11.2010, his father made representation to the fifth respondent on 17.05.2011 to transfer the horticulture electricity connection to the free agricultural service connection, which was not considered and thereafter, his father had installed 5HP motor and completed all formalities to get the free agricultural service connection and made a representation on 22.06.2011 to the third respondent to extend the time and provide free service connection under the agricultural category.

7. The third respondent has not taken note of the said representation and he has kept pending the representation of the petitioner all along. Hence, the proceedings of the respondents, which culminated in the letter dated 13.02.2018 is hereby quashed.

8. The third respondent herein is directed to consider the application of the petitioner's father (late) Moovan later pursued by the petitioner and provide free service agricultural connection to the petitioner herein, if he is otherwise eligible for the same. The seniority on the date on which the application made by the father of the petitioner, shall be taken into account. The respondents are directed to consider the application of the petitioner and pass orders, within a period of eight weeks from today.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To:

1.The District Collector,
Perambalur,
Perambalur District.

2.The Superintending Engineer (O&M),
TANGEDCO,
Perambalur District.

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3.The Executive Engineer(O&M) ,
TANGEDCO,
Perambalur District.

4.The Assistant Executive Engineer(O&M) ,
TANGEDCO,Sirvachur,
Perambalur District.

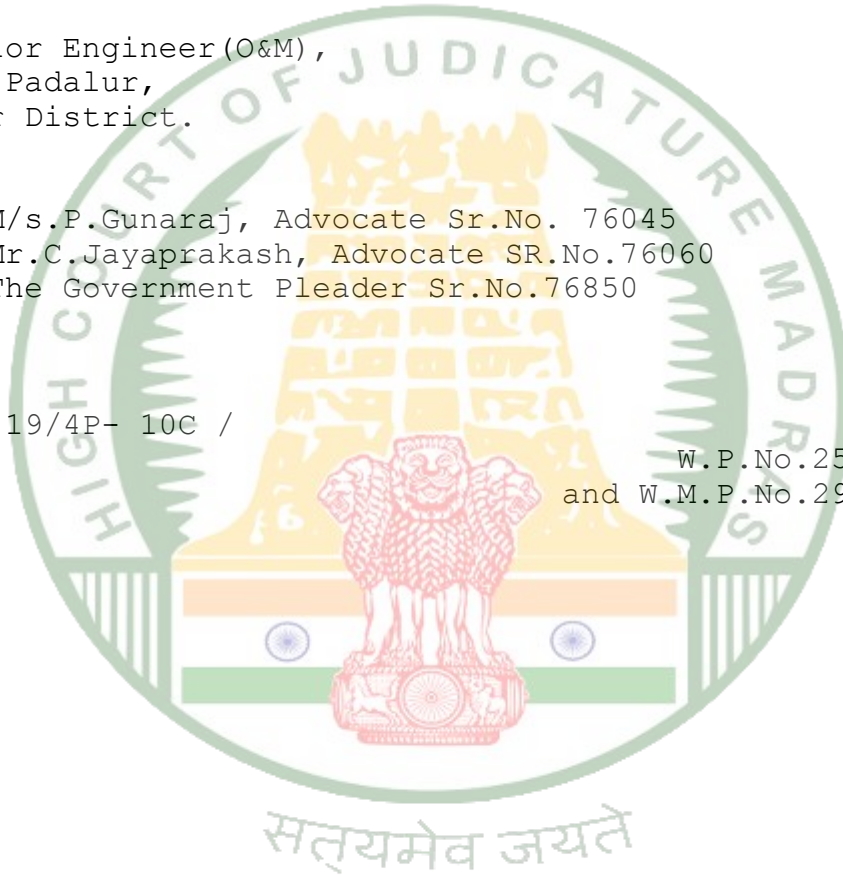
5.The Assistant Engineer(O&M) ,
TANGEDCO, Kalakkanatham,
Perambalur District.

6.The Junior Engineer(O&M) ,
TANGEDCO, Padalur,
Perambalur District.

+1 cc to M/s.P.Gunaraj, Advocate Sr.No. 76045
+1 cc to Mr.C.Jayaprakash, Advocate SR.No.76060
+1 cc to The Government Pleader Sr.No.76850

AKM/24.09.19/4P- 10C /

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