

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30112 of 2018

and

W.M.P.No.35124 of 2018

P.Chinnadurai

..Petitioner

vs

1. The District Collector,
Ariyalur District
Ariyalur.
2. The Superintending Engineer
Tamil Nadu Generation Electricity Distribution
Corporation Limited, (TANGEDCO)
(Formerly Tamil Nadu Electricity Board),
Anna Salai, Chennai - 2.
3. The Superintending Engineer
Tamil Nadu Generation Electricity Distribution
Corporation Limited, (TANGEDCO)
(Formerly Tamil Nadu Electricity Board),
Trichirapalli Region,
Trichy.
4. The Executive Engineer
Tamil Nadu Generation Electricity Distribution
Corporation Limited, (TANGEDCO)
(Formerly Tamil Nadu Electricity Board),
Operation & Maintenance,
Ariyalur, Ariyalur District.
5. The Assistant Engineer,
Tamil Nadu Generation Electricity Distribution
Corporation Limited, (TANGEDCO)
(Formerly Tamil Nadu Electricity Board),
Operation and Maintenance,
Rural Area, Senthurai, Ariyalur District.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the Records of the 4th Respondent in Ka.No.EE/OM/Ari/Ko.5(B)1/A.No.35/2018 dated 23.04.2018, quash the same and consequently directing the respondents to grant the Free Electricity Connection to the Petitioner in S.No.504/23B of Koovagam Village, Formerly Senthurai Taluk, presently Udayarpalayam Taluk, Ariyalur District.

For Petitioner : Mr.A.Ilaya Perumal

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

O R D E R

The order of rejection, rejecting the claim of the writ petitioner for providing free electricity service connection for the agricultural purposes issued by the 4th respondent in proceedings dated 23.04.2018 is under challenge in the present writ petition.

2.The learned counsel for the petitioner states that the petitioner is an agriculturists and performing cultivation for the past about 50 years. The petitioner owns the agricultural lands in S.No.504/23B of Koovagam Village, Formerly Senthurai Taluk, Presently Udayarpalayam Taluk, Ariyalur District.

3.The petitioner registered his name in No.28/19.04.1996 for providing free electricity service connection for irrigation purposes. However, the case of the writ petitioner was not considered on account of some mistake occurred in the application with reference to the Survey Number of the property belongs to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned Standing counsel appearing on behalf of the respondents state that admittedly the writ petitioner had initially submitted an application seeking electricity service connection for agricultural purposes. However, the Survey Number provided in the application was verified and during inspection, it was found that there was no "Well" in that property. Therefore, the case of the petitioner was not considered for providing free electricity service connection. In this regard, the authorities competent returned the application to the writ petitioner on 12.10.2012 itself. If at all, the writ petitioner claims that there was a clerical error in the application, the same must have corrected and re-submitted within a period of five years, which the petitioner had not been done. The

petitioner had actually submitted a representation only during the year 2018.

5.The learned standing counsel appearing on behalf of the respondents state that if the returned applications are not re-submitted within a period of five years, then the Registration is lapsed in view of the Tamilnadu Electricity Board Regulations. In such an event, the petitioner has to submit a fresh application seeking service connection.

6.The learned counsel for the writ petitioner now state that the petitioner is owning two properties, one in S.No.504/19 and another in S.No.504/23B. The "Well" is very much available in the property situated in S.No.504/23B. Therefore, the petitioner is entitled for the free electricity service connection for agricultural purposes. However, the old application cannot be restored in view of the fact that the writ petitioner was not vigilant enough in pursuing the application and allowed the application to lapse on account of the fact that there was an error in the initial application and he had not re-submitted the same within a period of five years as contemplated in the Tamil Nadu Electricity Board Regulations.

7.In this view of the matter, the writ petitioner is at liberty to submit a fresh application for providing an electricity service connection for agricultural purposes along with all the requisite documents and the particulars to the competent authorities and on receipt of the same, the respondents are bound to consider the same on merits and in accordance with law and strictly with reference to the terms and conditions stipulated in the Tamil Nadu Electricity Board Regulations.

8.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

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+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.4176

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.6371

सत्यमेव जयते

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NRL (CO)

CS/18/02/2019

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