



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17849 of 2019

M.Dhanaseeli

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Ramanathapuram Distribution Circle,
Ramanathapuram.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Paramakudi Zone,
Ramanathapuram District.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Parthibanoor,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to restore the agricultural electricity service connection bearing No.344-014-39 for the land in Survey No.146/2E, Mosukudi Village, Paramakudi Taluk, Ramanathapuram District.

For Petitioner
For Respondents

:Mr.T.R.Jeyapalam
:Mr.S.M.S.Johnny Basha
Standing counsel for TANGEDCO

ORDER

The prayer in the writ petition is for issuance of a writ of Mandamus to direct the respondents to restore the agricultural electricity service connection bearing No.344-014-39 for the land in Survey No.146/2E, Mosukudi Village, Paramakudi Taluk, Ramanathapuram District.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The petitioner was enjoying the agricultural service connection in S.C.No.344-014-39 in S.No.146/2E, at her Well in Mosukudi Village, Paramakudi Taluk and due to the ill-health of the



petitioner, she could not involve in agricultural activities for sometime and thereafter, due to the wind, the electrical post has been uprooted and therefore, the petitioner's electricity service connection was disconnected by the respondents and the same has not so far been restored, despite repeated request made by the petitioner in this regard and lastly, there has been a detailed representation by the petitioner in this regard to the first respondent on 27.05.2019. Therefore, the learned counsel for the petitioner would submit that, if the said representation to be considered by the respondents, especially, the first respondent on merits and orders be passed thereon, the petitioner would be satisfied.

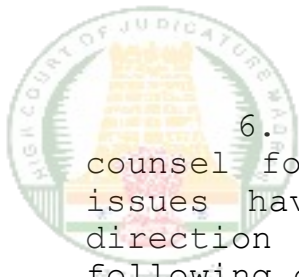
4. In this context, the learned counsel for the petitioner relied upon the order passed by this Court in **W.P. (MD) No.3471/2019 dated 25.02.2019** in the matter of **John Mohammed v. The Executive Engineer, Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO), Ramanathapuram District**, where, he relied upon the following two passages:

"2.The petitioner was enjoying electricity service connection in the petition mentioned agricultural land. It appears that due to some mischief, the electricity supply was cut off. The petitioner seeks restoration of electricity supply. He had given representation dated 26.10.2018. Since it was not considered, this writ petition came to be filed.

3.The learned standing counsel appearing for the respondents states that the respondents would need about two months as an outer time limit for considering the petitioner's request. Therefore, the respondents are directed to restore the agricultural electricity service connection in respect of the petition mentioned property as expeditiously as possible."

Hence he seeks a similar relief to the petitioner also from the respondents.

5. I have heard the learned standing counsel for the respondents, who would submit that, since the petitioner was having the electricity service connection under agricultural category and unless and until the agricultural activities are carried on, the petitioner is not entitled to get service connection in that category. Therefore, disconnection was made by the respondents Corporation. He would further submit that since the petitioner seeks the respondent to consider her representation dated 27.05.2019, the same would be decided by the respondents on merits and in accordance with law and accordingly orders would be passed thereon and needful would be done depending upon the merits.



6. Having regard to the said submission made by the learned counsel for both sides and taking into account that, the similar issues have been decided by the respondents, where a positive direction has been given, this Court is inclined to pass the following direction:

That the respondents, especially, the first respondent is hereby directed to consider the representation of the petitioner dated 27.05.2019 taking into account the genuine reason provided by the petitioner for not having undertaken the agricultural activities for sometime and in this regard, a pragmatic view can be taken by restoring the erstwhile agricultural service connection of the petitioner therein and to that effect, necessary order shall be passed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Ramanathapuram Distribution Circle,
Ramanathapuram.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Paramakudi Zone,
Ramanathapuram District.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Parthibanoor,
Ramanathapuram District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-81853[F] dated 16/08/2019)

W.P. (MD)No.17849 of 2019
14.08.2019

RR

JM/19.09.2019/3P/5C
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