



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2019

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.22031 of 2019

K.Veerasamy

... Petitioner

Vs.

1.The Chief Engineer,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.

2.The Superintendent Engineer,
TANGEDCO,
Dindigul District.

3.The Executive Engineer,
TANGEDCO,
Ottanchathiram,
Dindigul District.

4.The Assistant Engineer,
TANGEDCO,
Ottanchathiram,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 08.10.2018 passed by the third respondent vide proceeding Ka.No:Se.Po/Pa/Osam. Tho.Nu.Oo/Ko.Katt/Aa.No.3008/18 and quash the same as illegal and consequently direct the respondents to provide Free current to the petitioner agricultural land situated at Pottikampatti Village, Ottanchathiram Taluk, Dindigul District comprised in Old. Sy.No.19/1, New Sy.No.19/1A in pursuance to the registration No.C75/1998-99/17.06.1998 in accordance with law within a stipulated time period.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mrs.M.Rajeswari for
Mr.S.M.S.Johny Basha



ORDER

Heard Mr.C.Senthil Murugan, learned counsel for the petitioner and Mrs.M.Rajeswari, for Mr.S.M.S.Johny Basha, learned standing counsel for the respondents.

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2. This is an unfortunate case of an agriculturist, who had applied for free electricity service connection in the year 1998 and even before the same could be effected, had died. The petitioner is the son of the deceased agriculturist, who is challenging the communication from the third respondent, rejecting the application of the petitioner's father, which was registered as No.C75/1998-99/ dated 17.06.1998.

3. It is not disputed by the respondents that the petitioner's father Karuppanna Goundar had submitted an application for free electricity service connection on 17.06.1998 for his agricultural land situated in Pottikampatti Village, Ottanchathiram Taluk, Dindigul District, in Old S.No.19/1 and New S.No.19/1A.

4. It is stated by the learned standing counsel for the respondents that the application for free electricity service connection are effected based on the registration date as per which the seniority list is maintained. As and when the seniority arises, the free electricity service connection would be granted. The State Government would announce the number of free electricity service connection to be granted in a year and based on that, the service connection would be granted as per seniority list. Admittedly, for the petitioner's father, who had registered in the year 1998, as per the seniority, the free electricity service connection ought to have been given in the month of November 2010. But, the said service connection is subject to production of Readiness Certificate by the applicant. Once the name of the applicant reaches the seniority, the Department would call for the Readiness Certificate.

5. It is further stated by the respondents that on 03.11.2010, the Readiness Certificate was called for from the petitioner through post. However, the father of the petitioner did not respond to the same and had not submitted the Readiness Certificate by producing revenue records for obtaining free electricity service connection. Therefore, it is stated that the application registered by the father of the petitioner was rejected. Even the said rejection order was not communicated to the petitioner's father. Only when the petitioner herein had sent a representation to the respondents for effecting free electricity service connection, the impugned order came to be passed on 08.10.2018 in

க.எண் :செ.பொ/ப/ஒசம் /தொ.நு.உஉ/கோ.கட் ௫/அ.எண் 3008/18.



6. As per the impugned order, it is stated that the registration number of the petitioner's father dated 17.06.1998 was rejected as they did not receive the Readiness Certificate and the other documents as per the communication sent by the respondents dated 03.11.2010. Further, it is stated that even after the rejection, they could have sought for extension of the registration for another five years, which was also not done by the petitioner. Hence, it was rejected.

7. Though it is stated in the counter-affidavit that the communication seeking Readiness Certificate was issued on 03.11.2010 to the petitioner's father, there is absolutely no material to show that the same was served on them. A person, who had been waiting for more than twelve years to get his free agricultural electricity service connection, would not have kept quiet as he received the Readiness Notice as alleged by the respondents. Despite granting several adjournments to the respondents to produce the file with respect to service of notice to the petitioner's father, the respondents could not produce the same.

8. It is stated in the counter affidavit that even after the rejection, the application was kept pending until 03.02.2015 and the 90 days period was over on 01.02.2011 and the five years period started from 02.02.2011 till 03.02.2016. It is stated that after a lapse of five years, the application will be rejected automatically on 04.02.2016.

9. It is pertinent to note that the petitioner's father died on 24.03.2016 and the application was cancelled, just a month before the death of the petitioner's father. The entire history revolves around the Readiness notice issued by the respondents. There is no proof that Readiness Notice was served on the petitioner's father. Though it is stated that the respondents waited for 90 days plus five years, there is nothing on record to show that they issued one more notice to the petitioner. When the wait is too long, which is more than a decade, one cannot expect the applicant to visit the respondents everyday. It is the duty of the respondents to have at least sent a registered post when there was no response for the ordinary letters sent. When the communication itself is effected only based on the seniority, because of the lapse on the part of the respondents, the petitioner cannot be allowed to lose his seniority directing him to apply afresh.

10. Therefore, the rejection order passed by the third respondent dated 08.10.2018, is hereby set aside and the respondents are directed to restore the application submitted by the petitioner's father, which was registered on 17.06.1998 and effect the free electricity service connection as per the seniority, after satisfying the criteria that may be required for effecting free electricity service connection.



With the above direction, this Writ Petition is disposed of.
No Costs.

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// True Copy //

Sd/-

Assistant Registrar (crl.side)

/ /2020

Sub Assistant Registrar(CS)

pm

To:

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+1 CC to Mr.C.SENTHILMURUGAN, Advocate (SR-105533[F] dated
18/12/2019)

W.P (MD) No.22031 of 2019

17.12.2019

MK (08.01.2020) 4P 6C