

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.17679 of 2011

A.Subramani

... Petitioner

Vs.

1.The Executive Engineer / Urban,
Tamil Nadu Electricity Board,
Erode Electricity Distribution Circle,
Erode - 9.

2.The Assistant Engineer,
Tamil Nadu Electricity Production &
Distribution Kazhagam,
Erode Electricity Distribution Circle,
Salangapalayam - 638 455,
Kavundapadi via,
Erode District.

3.S.D.Krishnakumar

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the respondents 1 & 2 to grant electricity service connection to the petitioner for the agricultural purpose to the Well in New S.F.No.203/4, Vairamangalam Village, Bhavani Taluk, Erode District after getting an indemnity bond without insisting the consent from the 3rd respondent by considering the petitioner's application dated 19.09.1991. (Prayer amended vide order dated 20.07.2020 made in M.P.No.1 of 2013 in WP No.17679/2011)

For Petitioner : Mr.Vinoth Raja for Mr.N.Manokaran
For Respondents : Mr.N.Damodaran, TNEB (R1 & R2)
Mrs.P.T.Ramadevi (R3)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 & 2 to grant electricity service connection to the petitioner for

agricultural purpose to the Well in New S.F.No.203/4, Vairamangalam Village, Bhavani Taluk, Erode District after getting an indemnity bond without insisting the consent from the 3rd respondent by considering the petitioner's application dated 19.09.1991.

2.It is the case of the petitioner that he dug a Well in his land and applied for electricity service connection, by application dated 27.08.1991, to the 1st respondent. The said application was duly acknowledged by the 1st respondent on 19.09.1991, however, the same was kept pending for all these years. The 3rd respondent, who is the petitioner's neighbour, had given a letter of undertaking dated 25.08.1992 by giving consent to draw water to irrigate the lands in New S.Nos.203/1 to 203/6. Since the respondents 1 & 2 failed to provide the service connection, the present Writ Petition has been filed by the petitioner in the year 2011.

3.In the affidavit filed in support of the petition, the petitioner has stated that for want of electricity supply, he and his family members are suffering a lot for the reason that they are not in a position to irrigate their lands. Subsequently, in the letter dated 01.06.2011, the 2nd respondent informed the petitioner that the Tamil Nadu Electricity Board is ready to provide electricity service connection to his lands, however, the 3rd respondent had given an objection stating that the electricity service connection should not be extended from his land to the petitioner's land. Further, the 2nd respondent informed the petitioner to settle the dispute between the 3rd respondent within seven days time and thereafter, Electricity Board would provide service connection to him.

4.The 3rd respondent has filed a counter wherein he has stated that the petitioner is the owner of the lands in Survey Nos.203/4 and 203/6 and the Well is situated in S.F.No.203/4. From the counter filed by the 3rd respondent, it is clear that the 3rd respondent has no right or title over the lands in S.F.Nos.203/4 and 203/6 belonging to the petitioner. In the counter dated 31.10.2011 filed by the respondents 1 and 2, they have stated that as per letter dated 04.12.2003 of the Chief Engineer, Tamil Nadu Electricity Board, Chennai, if the distance between the river bed and the open Well is less than 200 m, it is necessary to obtain No Objection Certificate from the Public Works Department.

5.It is pertinent to note that the petitioner has given his application as early as on 19.09.1991 and even in the letter of the 2nd respondent dated 01.06.2011, they have stated that the Tamil Nadu Electricity Board is ready to provide electricity service connection to the petitioner's land. Now, in the

counter, which was filed subsequent to the letter dated 01.06.2011, the respondents 1 and 2 have taken a stand for the first time that the petitioner should obtain No Objection Certificate from the Public Works Department. Had the petitioner's application was considered within a short time from the date of the submission of his application on 19.09.1991, the question of getting No Objection Certificate from the Public Works Department would not have arisen. Even after nearly ten years from the date of filing of the counter affidavit of the respondents 1 and 2, the petitioner has not got the service connection. An application cannot be kept pending for nearly three decades, that too, for getting agricultural service connection to draw water from Well for irrigation purpose. The respondents 1 and 2 cannot be allowed to take different stand at different stages, having kept the application pending for nearly three decades. In such view of the matter, the petitioner is entitled to get agricultural service connection to draw water from the Well in S.F.No.203/4. The counter filed by the 3rd respondent itself would answer the issue raised in the 2nd respondent's letter dated 01.06.2011.

6.For the reasons stated above, I direct the respondents 1 and 2 to provide electricity service connection to the petitioner's land to draw water from the Well in S.F.No.203/4, Vairamangalam Village, Bhavani Taluk, Erode District, as per the letter of the 2nd respondent dated 01.06.2011 on execution of all necessary documents, within a period of three weeks from the date of receipt of a copy of this order.

7.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

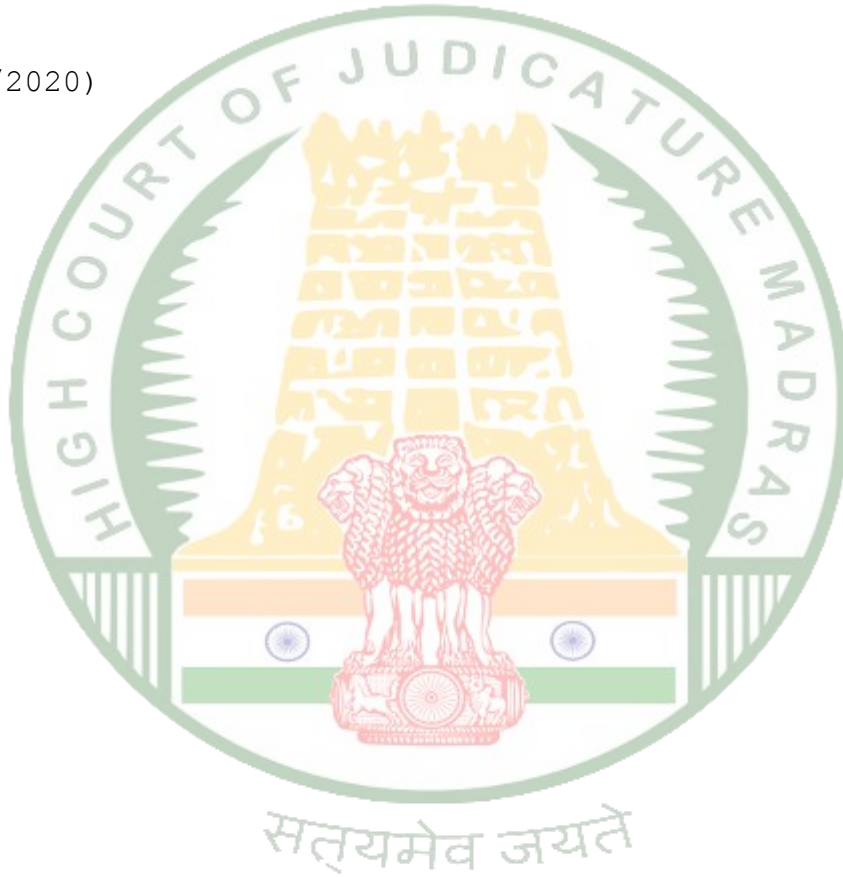
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+1cc to Mr.N.Manokaran, Advocate in SR No.27206 dt 20/08/2020

W.P.No.17679 of 2011

NAS (CO)
RV (03/09/2020)



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