



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) Nos.15288 & 15290 of 2020

(Through Video Conference)

WEB COPY

Y.Sangeetha

... Petitioner in W.P. (MD)
No.15288 of 2020

Y.Aishwarya

... Petitioner in W.P. (MD)
No.15290 of 2020

Vs.

- 1) The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Mannarpuram, Trichirappalli.
- 2) The Assistant Executive Engineer, (O & M),
Tamil Nadu Generation and Distribution Corporation Limited,
Uppiliyapuram, Thuraiyur Taluk, Trichy District.
- 3) The Assistant Engineer (O&M),
Tamil Nadu Generation and Distribution Corporation Limited,
Sikkathambur, Thuraiyur Taluk, Trichy District.
- 4) The Executive Engineer, (O & M),
Tamil Nadu Generation and Distribution Corporation Limited,
Sikkathambur, Thuraiyur Taluk,
Trichy District. ... Respondents in both W.P.'s

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to consider the representations of the petitioners dated 01.08.2020 and grant free agricultural electrical service of 5HP load to the property situated in S.F.No.260/5B2 at Murugur Village, Thuraiyur Taluk, Trichy District.

In both cases:

For Petitioners : Mr.V.Singan

For Respondents : Mrs.M.Parameswari
For Mr.S.M.S.Johnny Basha,
Standing counsel.

C O M M O N O R D E R

Since the issue involved in both the writ petitions are one and the same, by consent of both sides, the cases are taken up together and are disposed of by this common order.



2. Mrs.M.Parameswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the respondent Electricity Board, accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. These writ petitions have been filed for a Mandamus seeking for a direction to the fourth respondents to consider the representations of the respective writ petitioners, dated 01.08.2020, for grant of free agricultural electrical service connection of 5HP load to the property situated at S.F.No.260/5B2 at Murugur Village, Thuraiyur Taluk, Trichy District.

4. It is the case of the respective petitioners that, K.Yogaraja had originally applied for free electricity service connection at the aforementioned address in the year 2002. According to him, the seniority of the applications are 078/2002-03 and 039/2001-02. It is the further case of the petitioners that, Y.Sangeetha, writ petitioner in W.P.(MD) No.15288 of 2020, is the wife of K.Yogaraja and Y.Aishwarya, writ petitioner in W.P.(MD) No.15290 of 2020, is the daughter of K.Yogaraja.

5. According to the respective petitioners, the aforementioned property has been settled by K.Yogaraja in their favour. It is their case that, they have satisfied all the requirements for the grant of free electricity service connection. Since the respondents have not granted free agricultural electricity service connection to the respective petitioners, they had given representations on 01.08.2020 to the respondents requesting them to grant free agricultural service connection of 5 HP load. But, till date, the said representations have not been considered by the respondents. In such circumstances, these writ petitions have been filed.

6. Heard MrV.Singan, learned counsel appearing for the petitioners in both the cases and Mrs.M.Parameswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the respondent Electricity Board.

7. Learned counsel for the petitioners would submit that even though K.Yogaraja had applied for free agricultural service connection of 5HP load in respect of his agricultural property in the year 2002 itself, till date, the respondents have not granted the said connection. According to him, the respondents are not granting free agricultural electricity service connection on the ground that, there is sub division of survey numbers due to



respective petitioners. According to him, that cannot be a reason for rejection of the free electricity connection.

8. Per contra, Mrs.M.Parameswari, learned counsel appearing on behalf of Mr.S.M.S.Johnny Basha, learned standing counsel appearing for the respondent Electricity Board, would submit that they shall consider the representations of the petitioners seeking for free agricultural electrical service connection on merits and in accordance with law. According to her, only due to the fact that the respective petitioners have not satisfied the requirements for the grant of free electricity service connection, the respondents have not granted the same to the respective petitioners.

9. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondents if the representations of the respective petitioners dated 01.08.2020, making the request to consider the applications for grant of free agricultural electricity service connection, is considered on merits and in accordance with law. It is also made clear that the respective petitioners will have to necessarily satisfy that all the statutory requirements for the grant of free agricultural electricity service connection in their favour.

10. For the forgoing reasons, this Court directs the fourth respondent to consider the representations of the petitioners, dated 01.08.2020 seeking for grant of free agricultural service connection of 5HP load to the property situated at S.F.No.260/5B2 at Murugur Village, Thuraiyur Taluk, Trichy District and pass final orders, after hearing the necessary parties, including any rival claimants, if any, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the aforesaid directions, these writ petitions are disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Mannarpuram, Trichirappalli.
 - 2) The Assistant Executive Engineer, (O & M),
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 - 4) The Executive Engineer, (O & M),
Tamil Nadu Generation and Distribution Corporation Limited,
Sikkathambur, Thuraiyur Taluk, Trichy District.
- +2 CC to Mr.V.SINGAN, Advocate (SR-21253[F] dated 05/11/2020)

Common Order made in
W.P. (MD) Nos.15288 & 15290 of 2020
04.11.2020

ARK(CO)
KM (11.11.2020) 4P 7C