



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 412 of 2018

and

W.M.P. (MD) No. 420 of 2018

N. Angayee

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO, Mannarpuram, Trichy - 20.

2. The Executive Engineer,
TANGEDCO, Operation & Maintenance,
Thuraiyur Taluk, Trichy.

3. The Assistant Executive Engineer,
Office of the Assistant Executive Engineer (West),
TANGEDCO, Thuraiyur Taluk, Trichy.

4. The Junior Engineer,
Office of the Assistant Engineer,
TANGEDCO, Kannanur,
Thuraiyur Taluk, Trichy.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice of the second respondent in his reference No. Ka. No. Se. Po. / E. Ka. / Thuraiyur / Tho. Nu. 2 / Ko. Kattu / Noa. No. 013 and quash the same as illegal and consequently direct the second respondent to give electricity connection to the petitioner's lands comprised in Survey No. 571/1 B at Ponnusangampatti Village in Thuraiyur Circle, Tiruchirappalli District, by receiving the balance payment of Rs. 49,500/- under the self finance special preference scheme.

For Petitioner : Mr. K. Muthumalai

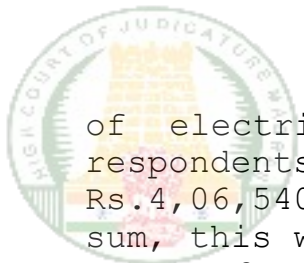
For Respondents : M/s. M. Rajeswari,

for Mr. S. M. S. Johny Basha.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents.

2. The petitioner is an ordinary agriculturist. She is owning the petition mentioned lands. The petitioner wanted the provision



of electricity connection under the self finance scheme. The respondents agreed to provide the same on payment of a sum of Rs.4,06,540/-. Challenging the demand for payment of the said huge sum, this writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the issue is no longer *res integra*. The learned Judge of this Court in the decision reported in 2016 (1) CWC 58 (S.Sivasubramaniam V. The Executive Engineer, Operation and Maintenance, Udumalai Distribution Circle, TANGEDCO (W.P.No.32673 of 2015 dated 26.11.2015) interpreted the expression "estimated costs" as contained in the scheme to only mean the costs which would be incurred for the drawal of the lines to the well or the bore well from a common facility such as a pole or Transformer and cannot include the costs of the Transformer, which is a common facility.

4. Though the learned Standing counsel would strongly oppose the prayer made in this writ petition, to a specific question as to what happened to the abovesaid decision, it is submitted that even though the said decision of the learned Judge was questioned in writ appeal, the Hon'ble Division Bench dismissed the writ appeal. Therefore, notwithstanding the strong opposition of the learned Standing counsel, I am obliged to follow the aforesaid decision.

5. In this view of the matter, the impugned order in this writ petition is held to be not sustainable. It is quashed to the extent, it raises the demand for payment of a sum of Rs.4,06,540/-. The respondents are directed to prepare a fresh estimate for the cost of drawal of the lines to the well or the bore well from the a common facility such as a pole or transformer. The respondents shall provide electricity connection to the petitioner. The entire process shall be concluded within a period of twelve weeks which period will start running from the date when the lock down is totally lifted in the State.

6. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



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