



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 6252 of 2017

V. Rajammal

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Theni District, Theni.

2. The Executive Engineer,
TANGEDCO,
Chinnamanur,
Theni District.

3. The Assistant Executive Engineer,
TANGEDCO (Urban),
Chinnamanur, Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant electricity service connection under special priority category to the petitioner's agricultural land situated in Muthalapuram, Uthamapalayam Taluk, Theni District as per the earlier seniority of her application dated 29.12.1992 without any further delay.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.S.M.S.Johny Basha.

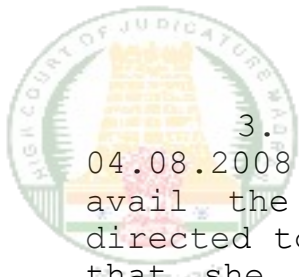
Standing counsel.

* * *

O R D E R

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

2. The petitioner is a senior citizen. She admittedly owns agricultural lands in Muthalapuram Village, Uthamapalayam Taluk, Theni District. The petitioner applied for free service connection for agricultural purposes. The application was submitted on 29.12.1992. The petitioner was given seniority No.280/92-93 dated 29.12.1992.



3. It is seen from the records that a communication dated 04.08.2008 calling upon the petitioner to show her readiness to avail the said connection was sent. The petitioner was also directed to furnish certain documents. The case of the petitioner is that she did comply with the said requirement. But then, the respondents did not act on her request.

4. The stand of the respondents is that the petitioner did not show her readiness and that she never furnished the documents that were sought for. In fact, that stand of the respondents had been made explicit in the counter affidavit itself.

5. I am of the view that it is not necessary to go into this factual controversy. When the respondents called upon the petitioner to furnish certain documents vide communication dated 04.08.2008, it is obvious that the petitioner went about to comply with the same. The documents enclosed in the typed set of papers clearly indicate that they were obtained by the petitioner in the ninth month of 2008. From this, I can see the close nexus between the issuance of the notice and obtaining of the documents.

6. It is not in doubt that the petitioner is owning agricultural lands. It is not in doubt that she submitted the application in the year 1992. It is not in doubt that the respondents called upon the petitioner to show her willingness. It is also not in doubt that the petitioner had obtained certain documents sought for shortly, thereafter. Now without going into the question as to whether the petitioner in fact furnished the documents or not, I would instead condone the delay on the part of the petitioner and direct the respondents to consider the case of the petitioner by maintaining her original seniority. Obviously, the persons who had applied even little later must have been granted electricity connection. Therefore, the respondents are directed to conclude the entire exercise by maintaining the original seniority within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition stands allowed on these terms. No costs.

Sd/-

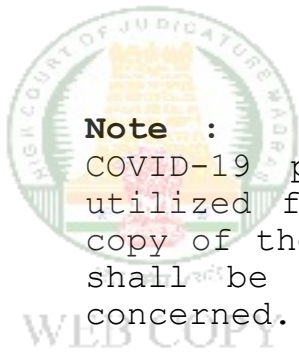
Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu



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.

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