



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2953 of 2020

Ellayaraja

... Petitioner

-Vs-

1. The Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi Villupuram District - 606 201.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi, Villupuram District - 606 201.
3. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi, Villupuram District - 606 201.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to implement the order in the letter Ka.N.Sa.Po/E and PA/ Kallai/ VaAa/ K.MANU/ A.N/ 007/2018-19 dated 18.06.2018.

For Petitioner : Mr.P.Eswaran
for Mr.S.Sithirai Anandam

For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel

O R D E R

This writ petition has been filed for a direction to the first respondent to implement the decision taken in the letter dated 18.06.2018 within a time limit fixed by this Court. The case of the petitioner is that his father had applied for agricultural service connection in the year 1988. He died in the year 1997 and thereafter, the petitioner and other legal heirs became the owner of the property. The respondents had



issued a letter dated 01.11.2010 to express their readiness within 90 days. This letter did not evoke any response from the side of the petitioner.

2. In the year 2015, a representation was made before the first respondent seeking for name transfer. Since the same was not acted upon, the petitioner had sent one more representation in the year 2017. Ultimately, a letter was issued by the first respondent on 18.06.2018 informing the petitioner that necessary action will be taken as per the procedure and after conducting a field inspection. Thereafter, there was no progress and left with no other option, the present writ petition has been filed before this Court seeking for appropriate direction.

3. Learned counsel for the respondents submitted that, an application was made by the father of the petitioner in the year 1988 and he is said to have died in 1997. As per Rules, the petitioner should have sought for change of name within a period of five years from the date of the demise of his father. This period of limitation came to an end on 30.07.2002. It is submitted that the application was made for name transfer only in the year 2015, which is beyond the time limit. Therefore, the respondents are not in a position to consider the claim made by the petitioner. That apart, the respondents had issued the letter dated 01.11.2010, which is a readiness notice, which was supposed to be acted upon within 90 days and the readiness should have been expressed by the petitioner. The learned counsel submitted that, in spite of the service of this readiness notice, there was no response from the side of the petitioner. Therefore, the learned counsel for the respondents submitted that, there is no scope for considering the claim made by the petitioner.

4. In the considered view of this Court, there is absolutely no justification for the petitioner to have waited till the year 2015 to seek for the change of name for the service connection. The learned counsel for the petitioner submitted that the petitioner was staying abroad and he was not aware about the readiness notice dated 01.11.2010 and therefore, the delay was not intentional. In a case involving Agricultural electricity service connection, which is provided free of cost by the Government, it is more in the nature of a privilege and therefore the deserving consumer is expected to follow it up with the respondents and comply with the conditions within the time stipulated. In this case, the father of the petitioner died in the year 1997 and the petitioner had sought for name transfer in the year 2015 ie., after nearly 18 years. This is unreasonably a long time taken by the petitioner to revive a dead claim. There is absolutely no acceptable reason to condone this exorbitant delay.



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5. In the result, this Court does not find any merits in the writ petition and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Executive Engineer,
Operation and Maintenance Tamil Nadu
Generation and Distribution Corporation,
Kallakurichi, Villupuram District - 606 201.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi,
Villupuram District - 606 201.
- 3.The Assistant Engineer
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi,
Villupuram District - 606 201.

+1cc to Mr.L.Jai Venkatesh, Advocate Sr No.41125

W.P.No.2953 of 2020

GP (CO)
PR (31/08/2021)