



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 9219 of 2021

K.Palanivel

...Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
No.144, 10th Floor, NPKRR Maligai
Anna Salai
Chennai 600 002.

2. The District Collector,
Kallakurichi District,
Kallakurichi.

3. The Executive Engineer,
O&M Tamil Nadu Electricity Board,
Sangarapuram

4. The Electrical Engineer,
Tamil Nadu Electricity Board,
Moongilthurai Pattu
Kallakurichi District,
Kallakurichi.

5. The Assistant Executive Engineer,
Electricity Board,
Sangarapuram
Kallakurichi District.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 3 to 5 to give agricultural electricity connection to the bore well situated in Survey no.113/1 based on the seniority No.102 dated 06.07.2000 and reminder dates 15.01.2021 and 15.02.2021.

For Petitioner : Mr.K.Krishnan

For Respondent : Mr.L.Jai Venkatesh for R1, R3 to R5
Mr.A.Selvendran for R2
Government Counsel



O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 3 to 5 to consider the representation made by the petitioner on 15.01.2021 and to act upon the application submitted in the year 2000, wherein, the father of the petitioner has sought for agricultural electricity service connection for the property situated in S.No.113/1.

2. The case of the petitioner is that his father made an application in the year 2000 seeking for agricultural service connection for S.No.113/1, Suthamalai Village, Sangarapuram Taluk, Kallakurichi District.

3. The grievance of the petitioner is that the same was not considered by the respondents 3 to 5 and the subsequent representations also did not evoke any response. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

4. The learned standing counsel appearing on behalf of the respondents 3 to 5, based on the written instructions received from the Junior Engineer, submitted that the father of the petitioner made an application in the year 2000 seeking for agricultural electricity service connection. Thereafter, the petitioner approached the respondents in the year 2012 and informed that the application must be transferred in his name and he is interested in getting the agricultural electricity service connection under the self financing scheme. The petitioner also paid a sum of Rs.500/- in this regard on 16.07.2013. The application was transferred in the name of the petitioner through proceedings dated 14.08.2021. It was further submitted that the estimate has been fixed to the tune of Rs.1,24,780/- payable by the petitioner. The 90 days notice has been issued to the petitioner to express his readiness. In the meantime, an inspection was conducted in S.No.113/1 and no Well or Bore-well was found in the said property. The learned Government Counsel therefore, submitted that the petitioner may be directed to submit all the relevant documents before the 5th respondent and the same will be considered and further action will be taken for effecting the agricultural service connection in the name of the petitioner.

5. The learned counsel appearing on behalf of the petitioner submitted that already all the relevant documents have been submitted before the 5th respondent. The learned counsel specifically brought to the notice of this Court the report of the Tahsildar, Sangarapuram, dated 23.07.2013 and submitted that the report categorically records the fact that there is a bore-well that is available in S.No.113/1. The learned counsel



further submitted that earlier there was a Well in the property and since it went dry, it was closed and a bore-well was dug in the property. This report given by the Tahsildar was also submitted along with the patta before the 5th respondent. Therefore, the learned counsel for the petitioner contested the stand taken by the Junior Engineer to the effect that there is no bore well found in S.No.113/1.

6. The learned counsel for the petitioner further submitted that the petitioner will pay the necessary charges as fixed by the respondents in accordance with the Scheme and will also submit all the relevant documents and a direction may be issued to the respondents to effect the agricultural electricity service connection within the time stipulated by this Court, since the petitioner requires water to irrigate his agricultural field.

7. Taking into consideration the facts and circumstances of the case and the specific stand taken on either side, there shall be a direction to the petitioner to submit all the relevant documents before the 5th respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, an inspection shall be conducted by the officials of TANGEDCO to satisfy themselves regarding the availability of a bore well in the subject property. Once such an inspection is carried out, the application shall be processed and the charges shall be levied from the petitioner in accordance with the guidelines depending upon the cost that will be incurred for providing the connection. The estimate costs determined by the respondents shall also be paid by the petitioner. Thereafter, the respondent shall proceed to take further action for effecting the agricultural electricity service connection to the petitioner. The connection shall be given strictly in accordance with the seniority maintained by the department.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RR



To

1. The Chairman cum Managing Director,
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Kallakurichi.
5. The Assistant Executive Engineer,
Electricity Board,
Sangarapuram
Kallakurichi District.

+1cc to Mr.K.Krishnan, Advocate, S.R.No.40642
1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.41126
+1cc to the Government Pleader, S.R.No.41103

W.P.No. 9219 of 2021

CP[co]
NSK 13/09/2021