



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.28464 OF 2016

P.Mani

... Petitioner

.Vs.

1. The Chairman,
Tamilnadu Electricity Board,
Anna Salai, Chennai - 2.
2. The Executive Engineer/O&M
TANGEDCO,
Veeranam Electricity Distribution,
Udayapatty, Salem Taluk.
3. The Assistant Engineer/O&M,
TANGEDCO, Veeranam,
Salem - 636 014.
4. K.R.Nandakumaran
5. N.Mani
6. K.R.Ganapathy
7. R.Kandasamy @ Asaikannan.

... Respondents

(R7 is impleaded as per the order dated
01.11.2017 in W.M.P.No.19515 of 2017
in W.P.No.28464 of 2016) .

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 3 to effect Electricity Service Connection to the Petitioner's agricultural land in S.No.153/3A situated in Palapatti Village, Salem Taluk and District from anyone of the alternate ways as suggested by the Petitioner.



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For Petitioner : Mr.J.Ramakrishnan
For R1 to R3 : No appearance
For R4 & R7 : Mr.P.Jagadeesan
For R5 : Mr.R.Suresh
For R6 : Mr.A.Raghupathy Raj

ORDER

When the matter is taken up for hearing, the learned counsel for the petitioner made a submission that the electricity service connection for his agricultural land is not provided despite the fact that the application was submitted in the year 2010.

2. The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 to effect electricity service connection to the petitioner's agricultural land in S.No.153/3A situated in Palapatti Village, Salem Taluk and District, from anyone of the alternate ways as suggested by the petitioner.

3. The petitioner states that he purchased the agricultural land in Survey No.153/3A to an extent of 1.90 acres situated at Palapatti Village, Salem Taluk and District, from the 6th respondent by way of registered sale deed dated 19.01.1998. Accordingly, he became the absolute owner of the property. The petitioner submitted an application for agricultural electricity service connection in the office of the respondents 2 and 3 on 26.02.2010 for putting up 7.5 H.P. in the bore well situated in his land. The 1st respondent accorded sanction on 22.04.2010 and directed him to deposit a sum of 50,000/-. The petitioner had deposited the said amount. However, due to some personal vengeance attributed to one Mr.Arumugham who was working in the office of the 3rd respondent, the right of agricultural electricity service connection to the petitioner had been denied.

4. The petitioner further states that the 4th respondent has filed a Writ Petition in W.P.No.8193 of 2013 forbearing the respondents 1 to 3 from effecting or providing electricity service connection by taking electricity cable or wire over and above or across the common cart track. This Court passed an order on 06.06.2013 stating that in view of Paragraphs 4 and 5 of the counter affidavit filed by the Executive Engineer/O&M, Tamil Nadu Generation and Distribution Corporation Limited,



Salem, no further order is necessary in this Writ Petition. Accordingly, the Writ Petition was closed.

5. It is brought to the notice of the Court that the counter filed by the authorities reveals that there is no proposal to erect either pole or line crossing the Cart Track and as such the contention is imaginary. It also reveals that there is no proposal to extend the line from the pole in S.F.No.153/1 owned by Mr.Kandasamy, brother of K.R.Nandakumaran and there is no grounds for him to raise objection.

6. The counter filed in the present Writ Petition reveals that the petitioner is opted for availing service connection under the self finance scheme, in the actual cost category of the respondent TANGEDCO. Under this scheme, the petitioner has paid a sum of Rs.50,000/-. Necessary estimate was prepared. The same was got sanctioned from the Competent Authority vide sanction order dated 22.04.2010. The works commenced. At that point of time, the 5th respondent Mr.N.Mani raised an objection.

7. Mere objection by the adjacent owners of the property cannot be a ground to deny the agricultural electricity service connection to the petitioner. Regarding providing of service lines, Regulation 29 of the Tamil Nadu Electricity Distribution Code provides guidelines. Accordingly, electricity cable can be provided even through private lands if required and the authorities competent are bound to follow the guidelines issued in Regulation 29 of the Tamil Nadu Electricity Distribution Code.

8. In the present case, the petitioner has clearly stated that he is willing to get electricity service connection even by adopting an alternate method and therefore, the authorities have to work out in such a manner to ensure that the agricultural electricity service connection is provided to the Writ Petitioner. Though the sanction was granted in the year 2010, the service connection was not provided for the past about 11 years. Therefore, this Court is of an opinion that the respondents are bound to ascertain the topography and the facts and circumstances, and by following Regulation 29 of the Tamil Nadu Electricity Distribution Code, provide agricultural electricity service connection to the petitioner as per the sanction order passed in the year 2010.

9. It is brought to the notice of this Court that the petitioner has given some suggestion for alternate way also.

10. The TANGEDCO authorities shall independently decide the manner in which the cable is to be provided to the petitioner's property and accordingly provide electricity connection. Thus,



the respondents are directed to decide the way to provide agricultural electricity service connection to the petitioner and provide electricity service connection in favour of the petitioner within a period of 8 weeks from the date of receipt of a copy of this order.

11. The petitioner in the event of raising any additional cost by the electricity board is bound to pay the same as per their demand.

12. With these directions, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raja/shr

To

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.
2. The Executive Engineer/O&M,
TANGEDCO,
Veeranam Electricity Distribution,
Udayapatty, Salem Taluk.
3. The Assistant Engineer/O&M,
TANGEDCO, Veeranam,
Salem - 636 014.

+1cc to Mr.A.Raghupathy Raj, Advocate, S.R.No.69708
+1cc to Mr.R.Suresh, Advocate, S.R.No.69707
+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.69706
+1cc to Mr.P.Sivakumar, Advocate, S.R.No.69699

W.P.NO.28464 OF 2016

AD(CO)
PBS/12/01/2022