



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15979 of 2021

T.K.Subramaniam

...Petitioner

-Vs-

1. The Executive Engineer
E&B, ELCOT/Tamil Nadu Generation and
Distribution Corporation,
Gobichettipalayam
Erode District.
2. The Assistant Engineer
E&B, ELCOT/Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
Gobichettipalayam, Erode District.
3. The Assistant Engineer
E&B/ELCOT/Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
Pudhupalayam, Erode District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant free electricity connection for agricultural purpose for the petitioner well in his land in S.No.424/1 in Vaniputhur Village, Gobichettipalayam, Erode District by considering the petitioner's representation dated 28.06.2021.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.M.Abul Kalam, Standing Counsel

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 28.06.2021, wherein the petitioner has sought for free electricity service connection for agricultural purposes for the open well situated in S.No.424/1, Vaniputhur Village, Gobichettipalayam, Erode District.



2. When the matter came up for admission, this Court directed the learned Standing Counsel appearing on behalf of the respondents to take instructions on the representation made by the petitioner and report before this Court.

WEB COPY

3. When the matter was taken up for hearing today, the learned Standing Counsel, based on the written instructions received from the first respondent submitted that, the petitioner had applied under the Self Financing Scheme (S.F.S. Rs.10,000/- Scheme) and he was provided with a service connection for the open well in S.F.No.424/1. This service connection was effected in the year 2006. The learned counsel further submitted that, the present application was scrutinized and it was given under the normal agricultural category and the petitioner was directed to express his readiness for effecting service connection, which was registered in the year 2001. Thereafter, a site inspection was made and at that point of time, it was noticed that the earlier agricultural connection given under SFS Rs.10,000/- Scheme had been shifted to a bore well, which is located 36 meters away from the open well. According to the learned counsel for the respondents, this shifting was done by the petitioner without the concurrence of the respondents. In the records of the respondents, there was already a service connection given to the open well and therefore, they are not in a position to give one more service connection for the same open well based on the 2001 application and it is a bar as per the instructions dated 09.02.2021. It was therefore submitted that unless the petitioner regularised the earlier connection which has been shifted to the bore well, the present application cannot be considered, since it will amount to providing service connection for the second time for the same open well.

4. The learned counsel for the petitioner submitted that the petitioner will take steps to regularize the earlier service connection that has been shifted to the bore well and thereafter the present application can be considered by the respondents and electricity service connection can be granted for the open well based on the application made in the year 2001. The learned counsel submitted that appropriate directions can be issued by this Court to the respondents in this regard.

5. Taking into consideration the facts and circumstances of the case and on considering the submissions made on either side, there shall be a direction to the petitioner to make appropriate application before the first respondent seeking for regularisation of the earlier approval that was granted in favour of the petitioner in the year 2006 for the open well and which was subsequently shifted to the bore well. On receipt of the application from the petitioner, the first respondent shall



consider the same and pass appropriate orders within a period of four weeks from the date of receipt of the application from the petitioner. Once the process of regularisation is completed, thereafter the first respondent shall consider the application dated 16.02.2001 made by the petitioner wherein the petitioner has sought for agricultural service connection for the open well situated at S.F.No.424/1, Vaniputhur Village, Gobichettipalayam, Erode District. This process shall be completed by the first respondent within a period of six weeks thereafter.

6. The petitioner is directed to submit a representation along with a copy of this order while submitting the application before the first respondent for regularisation.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Executive Engineer
E&B, ELCOT/Tamil Nadu Generation and
Distribution Corporation,
Gobichettipalayam, Erode District.
2. The Assistant Engineer
E&B, ELCOT/Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
Gobichettipalayam, Erode District.
3. The Assistant Engineer
E&B/ELCOT/Tamil Nadu Generation and
Distribution Corporation (TANGEDCO)
Pudhupalayam, Erode District.

+1cc to Mr.M.Abulkalam, Advocate, S.R.No.42545
+1cc to Mr.M.Guruprasad, Advocate, S.R.No.42771

W.P.No.15979 of 2021

PCH[co]
NSK 14/09/2021