

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23378 of 2021 and
and W.M.P.No.24657 of 2021

R.Venu

... Petitioner

-Vs-

1. The District Collector,
The Office of the District Collector,
Collector Office Road, Moovendar Nagar,
Villupuram – 605 602.

2. The District Revenue Officer,
Thirukoyilur-Asanur Road,
Sadbapete, Thirukoyilur,
Villupuram District – 605 757.

3. The Thasildar,
Taluk Office, ECR(SH-49), Thiru.Vi.Ka.Nagar,
Bharathidasan Nagar, Mudaliarpeta,
Puducherry – 605 004.

4. The Superintending Engineer,
No.10, Power House Street,
East Shanmugapuram Colony,
Villupuram – 605 602.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the proceeding of the 4th respondent in Proceedings in No.Ka.No.Me.Po/VimiPava/Vim/UsePo/Va.Ma.Tho.A/U.Po/Ko.Ma/Aamanu No.415/2019 dated 26.08.2019 and quash the same as illegal and consequently direct the respondents to shift the Agricultural Electricity Connection vide Service Connection No.422-

002-125 from the land comprised in R.S.No.334/6B situated at Kandambakkam village, Villupuram District to R.S.No.334/23 at Kandambakkam village, Villupuram District.

For Petitioner : Mr.K.Sasindran
For Respondents : Mr.A.Selvendran
Govt. Advocate for RR1 to 3
: Mr.L.Jaivenkatesh
Stdg. Counsel for R-4

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 26.08.2019 wherein the fourth respondent has rejected the request made by the petitioner to shift the agricultural service connection in the name of his wife for the property situated at R.S.No.334/23 at Kandambakkam village, Villupuram District.

2. Heard Mr.K.Sasindran, learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Government Advocate appearing for the the respondents 1 to 3 and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the fourth respondent.

3. It is an admitted case that the original agricultural service connection stood in the name of the vendor of the petitioner. The petitioner seems to have purchased the property and was enjoying the same. Thereafter, the petitioner was evicted from the property on the ground that he was an unauthorized occupant. The challenge made by the petitioner against the eviction also came to be dismissed. In view of this development, the petitioner made an

application before the fourth respondent seeking for the transfer of the service connection in the name of his wife for the property that stood in the name of the petitioner's wife in R.S.No.334/23. This request made by the petitioner was rejected through impugned proceedings dated 26.08.2019. Aggrieved by the same, the present writ petition has been filed before this Court.

4. This Court has carefully considered the submissions made on either side and the materials available on record. In the first place, the order under challenge pertains to the year 2019 and there is absolutely no explanation in the affidavit as to why it took two long years for the petitioner to approach this Court challenging the impugned proceedings of the the fourth respondent. Therefore, the writ petition is liable to be rejected on the ground of laches.

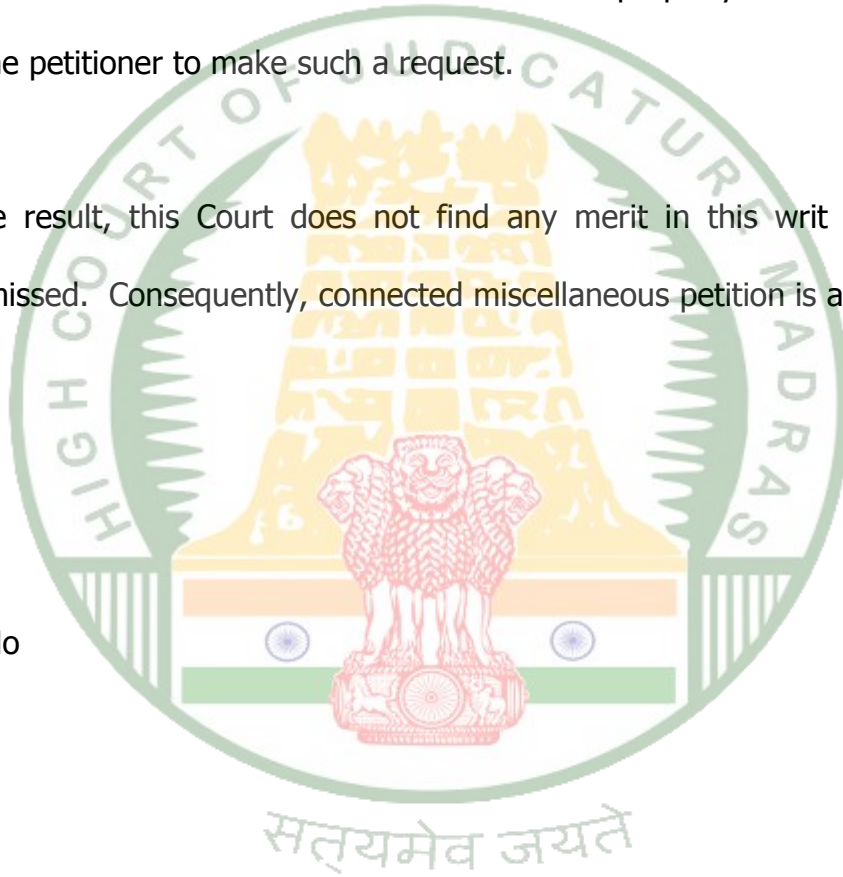
5. Even on the merits of the case, the original service connection stood in the name of the vendor of the petitioner. It was never transferred in the name of the petitioner and the petitioner was only enjoying the said service connection. Subsequently the petitioner was evicted from the property on the ground that he was illegally occupying the same. Now the petitioner wants the service connection to be transferred in the name of his wife. Such a request made by the petitioner has been rightly rejected by the fourth respondent.

6. Agricultural service connection is given to deserving agriculturists free of cost. The service connection given in the name of one person can never be transferred in the name of another person. In the present case, the connection did not even stand in the name of the petitioner and therefore there is absolutely no scope to change the service connection in the name of the petitioner's wife and that too for a different property. There is absolutely no legal right for the petitioner to make such a request.

7. In the result, this Court does not find any merit in this writ petition and it is accordingly dismissed. Consequently, connected miscellaneous petition is also dismissed.

29.10.2021

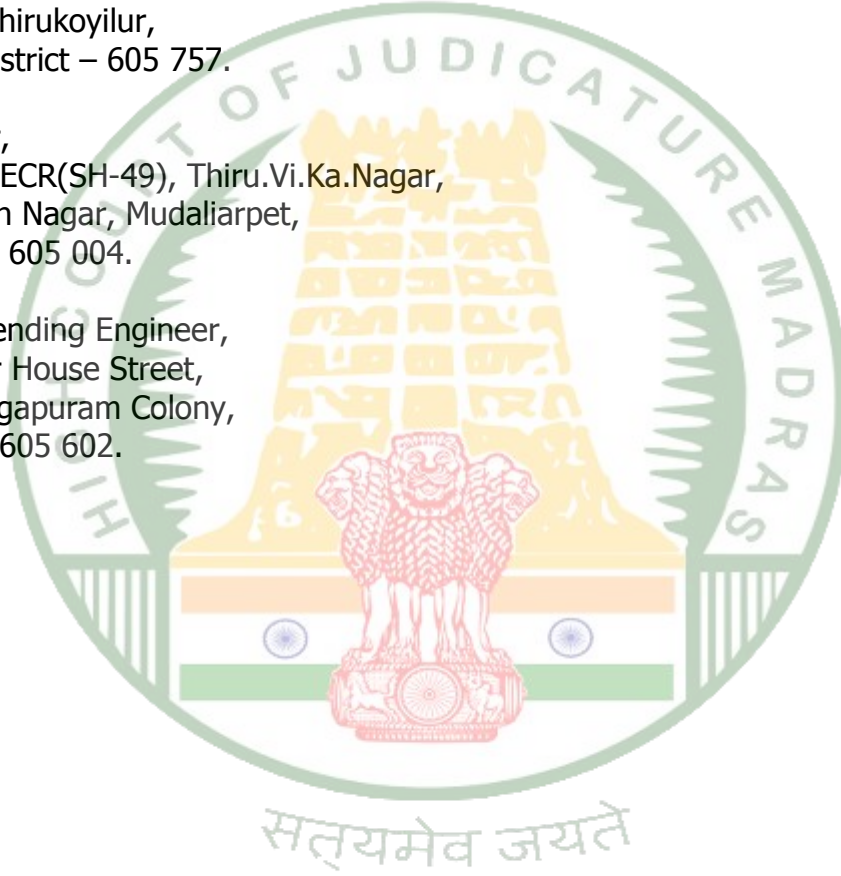
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