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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.28515 of 2019

A.Loganathan

...Petitioner

.Vs.

1 The Chairman / Managing Director
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO) 10th
Floor NPKRR Maaligai NO. 144 Anna Salai
Chennai - 600 002.

2 The Executive Engineer (O&M),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Office of the Executive Engineer
Ariyalur - 621 729.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.08.2019 and consequently direct the respondents to give agricultural electricity connection to the Motor Pump set fixed to the bore well in petitioner's agricultural land bearing Survey No. 547/1 situated at Kundaveli Village Udayarpalayam, Ariyalur District.

For Petitioner : Mr.N.Sakthivel

For Respondents : Mr.Abdulkalam
Standing Counsel
for R 1 and R 2

ORDER

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 06.08.2019, wherein,



the petitioner has not availed the service connection under the Scheme and therefore, after lapse of a period of about 8 years, the petitioner is not entitled to the benefit under the Scheme.

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3.Post on 12.2.2021. In the meantime, Mr.Gunaraj, learned Standing Counsel is directed to produce the Scheme which stipulates the conditions for the allotment of the Scheme after serving a copy of the counter affidavit to the learned counsel for the petitioner".

6.The respondents have filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

"4.I further submit that a time extension was given to him to enter his readiness from 03.12.2010 to 02.01.2011 time of period of 30 days as per request of the petitioner Thiru A.Loganathan Dt:02.12.2010 but once again despite the extension of time given in, vide Ref No: Lr No.EE/O&MALR/TA2FA/AGL/FNo:279/2010 he did not enter his readiness within the time extension granted to him.

5.I further submit that again time extension was given to him to enter his readiness from 02.01.2011 to 01.02.2011 time of period of 30 days but he did not enter his readiness within the time tension granted to him despite the extension vide Ref No.Lr.no.EE/O&M ALR/TA2FA/AGL/FNO:206/2010, dated 12.01.2011.

6.I further submit that again the Third time extension was given to him to enter his readiness from 28.01.2011 to 28.06.2011 time period of 60 days he did not enter his readiness within the extension granted to him despite the extension granted vide Ref.No.Lr.No.EE/O&M/ALR/TA2/FI/AGL/FNO: 3089/2010-2011.

7.I further submit that since the applicant did not submit the related document within the time extension, the applicant has to enter his readiness within 5 years under normal priority and hence the applicant was informed dated 27.09.2019 that the request made by him was rejected as the same made after five years period completion. Vide Ref No:Lr.No.EE/O&M/ALR/F, SA/F.No:944/2019, dated 27.08.2019.



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8.I further state that the free agriculture service for a total number of 2 lakhs service for the whole Tamil Nadu as per the decision taken by the Government during the relevant time and the entire service is effected during the said period and the same can't be effected now besides the fact that the rule does not permit to grant the said free agriculture service to the writ petitioner in view of the facts state above".

7.Heard Mr.N.Sakthivel, learned counsel for the petitioner and Mr.Abdulkalam, learned Standing Counsel appearing on behalf of respondents 1 and 2.

8.It is clear from the counter affidavit that under the Scheme, the petitioner was supposed to express his readiness within a period of 60 days, which was initially only for a period of 30 days, after the respondents intimate the petitioner to express his readiness. It is further seen from records that the 2nd respondent was accommodating the petitioner for fairly a longtime by granting repeated extensions. The last extension was given up to 28.06.2011 and the petitioner did not enter his readiness inspite of the extension of time. Under the scheme, the petitioner should have atleast entered his readiness within five years under the normal priority and that has also not been done by the petitioner.

9.After the year 2011, the only available document is the representation dt.06.08.2019, made by the petitioner to the 2nd respondent. In the meantime, the application itself came to be rejected and this was also informed to the petitioner through letter dated 27.08.2019.

10.In view of the above development, there is no scope for this Court to grant the relief as sought for in this writ petition and there is nothing to be considered by the respondents since the application itself has been rejected through proceedings dated 27.08.2019. This Court does not find any ground to interfere with the decision taken by the respondents and in fact the petitioner was given sufficient opportunity to express his readiness and the time was also extended repeatedly. The petitioner failed to take advantage of the extension of time and he actually went into hibernation for nearly 8 years for which there is no proper explanation.



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11. In the result, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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