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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.25708 OF 2017

AND

W.M.P.NO.27118 OF 2017

K.Prakash

... Petitioner

Versus

1. The Superintending Engineer,
The Tamil Nadu Power Generation &
Distribution Corporation,
Namakkal Electricity Distribution Circle,
Namakkal - 637 001.
2. The Executive Engineer,
The Tamil Nadu Power Generation &
Distribution Corporation,
Operation and Maintenance,
Tiruchengode,
Namakkal District.
3. The Assistant Engineer,
The Tamil Nadu Power Generation &
Distribution Corporation,
Operation & Maintenance,
Unjanai, Tiruchengode Taluk,
Namakkal District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent pertaining to the Impugned Order in க.எண்.செயபொ/இ & ப/திகோடு/தொழுஉ/க.விவிரத்து/எண்.226/16 dated 12.07.2016 and quash the same and consequently direct the respondents 2 and 3 to provide the Free Electricity Service Connection to Petitioner's Well as per Seniority of my application No.EET/Ag1/235/91-92 dated 01.11.1991.



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For Petitioner : M/s.C.Neethimozhi

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent pertaining to the Impugned Order in க.எண்.செயபொ/இ & ப/திகோடு/தொழுஉ/க.விவிரத்து/எண்.226/16 dated 12.07.2016 and quash the same and consequently direct the respondents 2 and 3 to provide the Free Electricity Service Connection to Petitioner's Well as per Seniority of my application No.EET/Ag1/235/91-92 dated 01.11.1991.

2. The grievance of the petitioner is that, the petitioner's father made an application to the second respondent for free electricity service connection for his Well in the year 1991. There was no response from the respondents till the death of the petitioner's father. On 01.11.2010, the petitioner received a letter from the second respondent, stating that the petitioner's father is entitled for the free electricity service connection on special priority basis. After the receipt of the same, since the petitioner's father was passed away, the petitioner made representations to the respondents on couple of occasions seeking time to change the application in his name which stood in the name of his father and the petitioner was waiting for the reply from the respondents. While so, on 12.07.2016, the petitioner received an impugned order stating that the petitioner's application for free electricity connection was rejected.

3. The learned counsel for the petitioner by referring the report obtained under RTI Act, has submitted that the letter indicating that the application was changed in the petitioner's name and time limit extended for producing the readiness was not served on the petitioner. After the receipt of the impugned order, the petitioner has sent a letter dated 18.10.2016, wherein, he has categorically stated that he has not received any communication with regard to the allotment of the free electricity connection, but, the same was not considered by the petitioner. Therefore, without any other option the petitioner has approached this Court.

4. In reply, the learned Standing Counsel appearing for the respondents submitted that the letter was communicated with regard to the provision of the electricity connection to the petitioner. However, the same was returned as undelivered.



Therefore, the petitioner moved in the category of normal list from the priority list and after the period of 5 years, the allotment of electricity connection was cancelled since the petitioner failed to show his readiness. Further, he fairly submitted that till date the representation dated 18.10.2016 made by the petitioner was not disposed of, therefore, if necessary documents are produced by the petitioner the same will be considered.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents and perused the materials available on record.

6. Upon hearing, it is clear that there is no dispute with regard to the application made by the petitioner's father for the purpose of obtaining free electricity connection. The communication with regard to the allotment of the service connection was returned as unserved and that is the reason why the petitioner could not show his readiness within the time. Only after receiving the cancellation order, the petitioner came to know that his request for changing the name in the application was considered and time limit was fixed to show his readiness. It is an unfortunate case, without serving the letter to the petitioner, expecting the petitioner to show his readiness for providing service connection is not correct. Therefore, for no fault of the petitioner, the electricity connection cannot be denied.

7. In view of the above, this Court directs the petitioner to show the readiness within a period of 15 days from the date of receipt of a copy of this order along with other required document with regard to the establishment of his ownership. In such case, the respondents shall provide electricity service connection within a period of 30 days from the receipt of the readiness from the petitioner.

8. With the above directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
The Tamil Nadu Power Generation &
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Namakkal Electricity Distribution Circle,
Namakkal - 637 001.
2. The Executive Engineer,
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Distribution Corporation,
Operation and Maintenance,
Tiruchengode,
Namakkal District.
3. The Assistant Engineer,
The Tamil Nadu Power Generation &
Distribution Corporation,
Operation & Maintenance,
Unjanai, Tiruchengode Taluk,
Namakkal District.

+1cc to M/s.C.Neethimozhi, Advocate, S.R.No.68982

W.P.NO.25708 OF 2017 AND
W.M.P.NO.27118 OF 2017

CA (CO)
PBS/28/01/2022