



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.18297 of 2017

R.Saguntala

...Petitioner

Vs

1. The Superintendent Engineer,
Kallakurichi Electricity District Circle,
Kallakurichi - 606 204.
2. Executive Engineer, O&M,
TANGEDCO, G.H. Road,
Thirukovilur - 605 757.
3. Assistant Executive Engineer, O&M,
TANGEDCO,
Aragandanallur, Villupuram District.
4. Assistant Electrical Engineer, O&M,
TANGEDCO,
Kandachipuram - 605 701.

...Respondents

Prayer: Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent made in Ka No. VU.MI.PO / E&Pa / Ka.Puram / Ko / A.No.311/17 dated 03.02.2017 and quash the same and consequently direct the fourth respondent to release one 3 HP free agricultural service connection to draw water from the Well situated in the petitioner agricultural lands in Survey No.39/1 Veerangipuram Village, Kandachipuram Taluk, Villupuram District.

For Petitioner : Mr.N.Vanaraj

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel



ORDER

This Writ Petition has been filed, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent made in Ka No. VU.MI.PO / E&Pa / Ka.PURAM / Ko / A.No.311/17 dated 03.02.2017 and quash the same and consequently direct the fourth respondent to release one 3 HP free agricultural service connection to draw water from the Well situated in the petitioner agricultural lands in Survey No.39/1 Veerangipuram Village, Kandachipuram Taluk, Villupuram District.

2.The case of the Writ Petitioner is that the petitioner's husband applied for the free agricultural electricity service connection in the year 1989, thereafter, in the year 2014, the respondents asked the petitioner's husband to submit necessary application for the release of the free agricultural electricity service connection. Accordingly, the petitioner's husband made an application on 23.07.2014 and the same was returned for rectification of defects. The petitioner's husband resubmitted the application after rectifying the defects pointed out by the second respondent. Thereafter, there was no progress in the release of service connection. The petitioner's husband was passed away in the year 2015. Since there was no progress, the petitioner's son submitted a representation on 12.09.2016 to the respondents, even then there was no action on the part of the respondents. Hence, the present Writ Petition has been filed.

3.The learned Standing Counsel appearing for the respondents filed a detailed counter and submitted that the petitioner has not submitted the required documents viz.,

"(i) Sale deed, which is the document of title in favour of Ramasamy for the property for which the Electricity Service connection was sought for;

(ii) Adangal extract for the same showing possession of Ramasamy for the property;

(iii) 'A' Register extract

(iv) Tax receipt in the name of Ramasamy for the property

(In the Writ Petition also only the Rectification Deed executed in favour of Ramasamy is filed. The same deed has not been filed. The Encumbrance Certificate filed is also relating to the Rectification Deed and not for the sale deed relating to the property.

(v) Patta stands in the name of Ramasamy. The same has not been changed in the name of the petitioner."

4.In reply, the learned counsel for the petitioner submitted that all the required documents were submitted by the



petitioner's husband and after his death, the petitioner's son has also produced the death certificate of his father and the legal heir certificate. In spite of the same, the respondents have failed to release the free service connection.

WEB COPY

5. On the other hand, the learned counsel appearing for the respondents submitted that even the readiness for the provision of electricity connection and consent letter from the other legal heirs are also not produced by the petitioner. Therefore, he fairly submitted that if the petitioner produce the readiness affidavit; consent letter of other legal heirs and other required documents, the respondents will consider and provide the electricity service connection in accordance with law.

6. Upon hearing the submission, this Court directs the petitioner to produce the Legal heir certificate; consent letter from the other LR's; the affidavit stating readiness for the provision of the electricity connection and all other documents mentioned in Paragraph No.7 of the counter within a period of four weeks from the date of receipt of a copy of this order. On such case, the respondents shall consider the application made by the petitioner's husband and provide electricity connection for the Well within a period of four weeks from the production of all the particulars from the petitioner. It is made clear that the respondents shall provide electricity service connection only for the Well situated in Survey No.39/1, Veerangipuram Village, Kandachipuram Taluk, Villupuram District, for which the application was originally made.

7. With the above directions, this Writ Petition is disposed of. No costs.

Post the matter "for reporting compliance" on 23.03.2022.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Superintendent Engineer,
Kallakurichi Electricity District Circle,
Kallakurichi - 606 204.



2. Executive Engineer, O&M,
TANGEDCO, G.H. Road,
Thirukovilur - 605 757.

3. The Assistant Executive Engineer, O&M,
TANGEDCO,
Aragandanallur, Villupuram District.

4. The Assistant Electrical Engineer, O&M,
TANGEDCO,
Kandachipuram - 605 701.

+1cc to M/s.N.Vanaraj, Advocate, S.R.No.68759

W.P.No.18297 of 2017

KSM(CO)
RGA(12/01/2022)