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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.20691 OF 2018

AND

W.M.P.NO.24318 OF 2018

H.Parthasarathy

... Petitioner

.Vs.

1. The Executive Engineer (O & M),
TANGEDCO,
Tamil Nadu Electricity Board,
Arakkonam, Vellore District.

2. The Assistant Engineer (O & M),
Nemili West, TANGEDCO,
Tamil Nadu Electricity Board,
Nemili Taluk,
Vellore District.

3. Tmt.Shanthi

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Lr.No.A.E./O&M/West/Nemili/File Petition/No.77/2018, dated 09.07.2018 and quash the same and consequently direct the 2nd respondent to restore the agricultural electricity service connection in S.C.No.203 of Nemili Village and Taluk, Vellore District to the petitioner's agricultural property comprised in S.No.227/10B1 and 224A/3.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.L.Jai Venkatesh
1 & 2

For Respondent 3 : Mr.M.Ashwin
For M/s.Sarvabhauman Associates



O R D E R

This writ petition has been filed challenging the order passed by the second respondent to reconnect the disconnected agricultural service connection in the petitioner's land.

2. The grievance of the petitioner is that, the petitioner is the owner of the property in S.No.227/10B and 224A/1, measuring an extent of 0.22 1/2 acres of land situated at Nemili Village and Taluk. He purchased the said property along with agricultural service connection bearing S.C.No.203, and there is also a open well within the property through which, the petitioner is cultivating coconut, mango, quava etc., he is also having 5 H.P.motor therein.

3. According to the petitioner, at the instigation of the third respondent, the second respondent disconnected the service connection, hence he had requested the second respondent to reconnect the service connection, that has been rejected on the ground that, on inspection, it was found there is no well available in the land and the petitioner is also not doing any agricultural operations, hence the service connection cannot be restored. Aggrieved over the same, the petitioner has filed this writ petition.

4. Mr.G.Jeremiah, the learned counsel appearing for the petitioner submitted that the petitioner after purchasing the property is using the agricultural service connection only for cultivation purpose and without any enquiry his service connection has been disconnected, for want of service connection, he was not able to do any agricultural activities.

5. The respondents 1 and 2 have filed counter affidavit stating that, there is no agricultural activities at the petitioner's land, hence the third respondent informed them that the petitioner is not doing any agricultural activity. It is also stated that the land purchased by the petitioner has been converted into a house site, now there are three residential buildings and balance open area of 3600 sq.ft. is only available, there are six coconut trees, four gauva trees and rest of the open area have bushes and no cultivation activities are carried out. It is further stated in the counter that for agricultural service connection a minimum extent of 40 cents is required and the petitioner is only having 22.5 cents out of which, he has constructed building for domestic purpose and three cent open area is available and hence the petitioner cannot avail agricultural service connection. The relevant paragraph in the counter reads as follows:



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"11. I admit the averments made in para 7 of the affidavit are true and correct. The 3rd respondent has given a letter dated 09.07.2018 to the petitioner the agriculture service will be disconnected and dismantled. Since there is no agriculture activities in their premises the land has converted into plot having three buildings nearly 2400 sq.ft and 1800 sq.ft. respectively. The balance open area 3600 sq.ft. in a concrete basement, 6 coconut trees and 4 guava trees, flower plant least quantities and rest of open area have a bushes and there is no cultivate activities carried out normally. The agricultural service shall be effected and their minimum quantity of 40 cent but petitioner having only 22.5 cent land and he having in this he has constructed building domestic purpose of 4 cent and 3 cent open area of concrete and plants carried out coconut tree and flower garden 3 cent let out area bushes and cultivated there is no irrigation work carried out petitioner. New bore well have erected by the petitioner after filing the petition erected without motor."

6. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondents 1 and 2 also produced photographs showing that buildings have been constructed in the above said survey number and there is no agricultural activities. The petitioner is not in a position to show that agricultural activities are going on there.

7. Considering the above circumstances, it is clear that in the 22.5 cents of land three residential houses are there and only a small vacant site is available and there is no agricultural activities going on. In such circumstances, the petitioner is not entitled to have agricultural service connection and the respondent 1 and 2 have rightly disconnected the same. I find no error in the order passed by the second respondent and therefore the writ petition is liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer (O & M),
TANGEDCO,
Tamil Nadu Electricity Board,
Arakkonam, Vellore District.
2. The Assistant Engineer (O & M),
Nemili West, TANGEDCO,
Tamil Nadu Electricity Board,
Nemili Taluk,
Vellore District.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.15619
(21/06/2022)

W.P.NO.20691 OF 2018 AND
W.M.P.NO.24318 OF 2018

SKM(CO)
PBS/24/05/2022