



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.20925 OF 2018

Poongavanam

... Petitioner

Vs.

1. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Ltd.,
Villupuram Electricity Dist. Circle,
No.10, Old Power House Road,
Villupuram-605 202.
2. The Executive Engineer,
Tamil Nadu Generation and
Distribution Ltd.,
Villupuram Electricity Dist. Circle,
No.10, Old Power House Road,
Villupuram - 605 202.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned reply Ka.No.E.E./VENE/VM/THO.NU.VU/KO.PO.MA.KU/A.No.7 dated 29.05.2018 issued by the 2nd respondent to the petitioner's husband on behalf of the petitioner and quash the same and consequently direct the respondent to immediately provide agricultural electricity connection to the petitioner's land by duly considering the application made by the petitioner dated 31.03.2009.

For Petitioner : Ms.S.Varsha

For Respondents : Mr.L.Jai Venkatesh,
Standing Counsel



O R D E R

This Writ Petition has been filed challenging the order refusing to provide agricultural electricity service connection to the petitioner's land.

2. The grievance of the petitioner is that, petitioner belong to a Scheduled Caste community. Earlier, on 11.05.2009, the petitioner has filed an application seeking for agricultural service connection and also paid necessary fees of Rs.550/- before the 2nd respondent and so far, no agricultural service connection was given to the petitioner. However, the person, who has registered the name subsequent to the petitioner, has been given service connection. In the said circumstances, the petitioner has approached the 2nd respondent seeking for agricultural service connection, which was rejected on the ground that even though she has paid fees, she has not filed necessary application before the concerned authority as required. Hence, the petitioner cannot entitle to get the service connection. In the said circumstances, the impugned order has been passed refusing to give agricultural service connection to the petitioner's land. Now, challenging the same, the present Writ Petition has been filed.

3. The respondents filed a counter affidavit stating that, even though the petitioner has paid a sum of Rs.550/- towards application fee and estimation fee before the Assistant Engineer, Anniyur, Villupuram Electricity Distribution Circle, she did not file necessary application along with payment receipt before the 2nd respondent. In absence of any application, mere payment of amount, will not give any right to the petitioner to get electricity service connection. As the seniority is maintained based on the application submitted by the applicant, in the absence of any application, the petitioner name cannot be registered and she cannot claim any seniority in getting service connection.

4. Ms.S.Varsha, learned counsel appearing for petitioner would submit that, admittedly, the petitioner has paid necessary fees and subsequently, she has filed an application before the 2nd respondent. However, due to mistake of the 2nd respondent, that was not registered in the seniority register, for which, the petitioner cannot be blamed. Since the petitioner has paid necessary fees, the 2nd respondent is bound to provide agricultural service connection.

5. Mr.L.Jai Venkatesh, learned standing counsel appearing for respondents Board would content that, unless necessary application has been filed seeking for service connection, mere



payment of fees, will not give any right to the petitioner to get service connection. The service connection is given only based on the seniority maintained by the respondents. Since the petitioner has not given any application before the authority, the 2nd respondent cannot effect service connection to the petitioner's land.

6. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

7. Admittedly, as the petitioner has filed application seeking for service connection as early as on 11.05.2009 and fees receipt was also given, which was not denied by the 2nd respondent. The only objection is that after payment of fees, the petitioner failed to file necessary application before the 2nd respondent. Even though the petitioner submitted that the application has been filed, she is not in a position to substantiate it. However, considering the fact that, the petitioner, being a poor village lady, she may not aware of the procedure seeking for service connection. Admittedly, the petitioner has paid fees for getting service connection, and only on the ground that necessary application has not been filed, after payment of fees, the 2nd respondent cannot deny the right of petitioner to get service connection. After all, the petitioner is only seeking for agricultural service connection to irrigate the land for eking out her livelihood. The respondents after collecting necessary fees, now it is not open to them to reject the petitioner's request for granting service connection.

8. In the said circumstances, in the interest of justice, this Court is inclined to interfere with the order dated 29.05.2018 passed by the 2nd respondent and the same is set aside. Considering the fact that already the person, who has registered the name subsequent to the petitioner has been given service connection, the 2nd respondent is directed to give agricultural service connection to the petitioner's land within a period of six weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The Superintending Engineer,
Tamil Nadu Generation and
Distribution Ltd.,
Villupuram Electricity Dist. Circle,
No.10, Old Power House Road,
Villupuram-605 202.
2. The Executive Engineer,
Tamil Nadu Generation and
Distribution Ltd.,
Villupuram Electricity Dist. Circle,
No.10, Old Power House Road,
Villupuram - 605 202.

+2ccs to M/s.Naveen Kumar Murthi, Advocate, S.R.No.20308

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.20445

W.P.No.20925 of 2018

MG (CO)
RLP (19/05/2022)