



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.11420 & 11421 of 2020

K.Palanisamy

... Petitioner in both the petitions

Vs.

1 The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kovai Distribution Circle/South,
Coimbatore.

2. The Assistant Executive Engineer,
Tamil nadu Generation and Distribution Corporation Limited,
Operation and Maintenance/Komepa/South,
Mangalam, Tiruppur.

3. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Vanjipalayam,
Tiruppur.

... Respondents in both the writ petitions

Prayer in W.P.No.11420 of 2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus Call for the records of order dated 25.2.2020 vide proceedings in Number. Ka.No.Usapub/E and Pa Mangalam/VaAa/Ko.Pugar/A.No.062/2020 on the file of 2nd respondent and quash the same and directing the 2nd and 3rd respondnet to exchange the agricultural electricity service connections of petitioner bearing Numbers. 283-002-0464 with another service connection Number. 283-002-1742.

Prayer in W.P.No.11421 of 2020: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent No.2 and 3 to make the agricultural electricity connection bearing service number. 283-002-1742 of petitioner as free on receipt of Rs.50 000/- for him.

For Petitioner : Mr.K.Myilsamy (in both petitions)

For Respondents : Mr.Abul Kalam

Standing Counsel (in both petitions)



COMMON ORDER

This Writ Petition has been filed seeking to quash the order dated 25.2.2020 vide proceedings in Number. Ka.No.Usapub/E and Pa Mangalam/VaAa/Ko.Pugar/A.No.062/2020 on the file of 2nd respondent and directing the 2nd and 3rd respondent to exchange the agricultural electricity service connections of petitioner bearing Numbers. 283-002-0464 with another service connection Number. 283-002-1742 and to make the agricultural electricity connection bearing service number. 283-002-1742 of petitioner as free on receipt of Rs.50 000/- for him.

2. The facts of the cases are as follows:

The agricultural land admeasuring to an extent of 20.10 acres and cents comprised in S.No.516 situated at Semmandapalayam Village, Tiruppur District belongs to the petitioner by virtue of a registered settlement deed. For the above said land, the petitioner obtained free agricultural electricity service connection from the respondents. The petitioner also owns of the another agricultural land admeasuring to an extent of 1.85 acres and cents in S.No.554/1 situated at Semmandapalayam Village, Tiruppur District. For this land, the petitioner obtained electricity service connection from the respondents under the special scheme.

3. According to the scheme, the petitioner has to pay a sum of Rs.50,000/- when his seniority reaches and till such period, the petitioner has to pay the consumed electricity charges. More than five years, the petitioner has been waiting. The water level in respect of agricultural comprised in S.No.516 was started to diminish. There was sufficient water level in respect of agricultural land situated at 554/1 for which the petitioner has been paying monthly consumption charges under a special scheme for drawing well water. To mitigate his sufferings from paying huge amount of electricity charge for agricultural usage, the petitioner made an application before the respondents on 24.01.2019 for exchange of the service connections and the same was rejected vide proceedings dated 25.02.2020. Challenging the same, the petitioner has filed the writ petition in W.P.No.11420 of 2020.

4. The petitioner has made another representation before the respondents to make the agricultural electricity connection bearing service no.283-02-1742 as free, on receipt of Rs.50,000/-. Till date, the respondents have not considered the representation. Therefore, the petitioner has filed the writ petition in W.P.No.11421 of 2020 before this Court seeking appropriate remedy.



5. The learned counsel for the petitioner submitted that the petitioner has two electricity service connections. The petitioner is a poor agriculturist. The petitioner obtained an agricultural electricity service connection under a special scheme. Till seniority reaches, the petitioner is duty bound to pay the monthly consumption charges. More than five years had been lapsed. Till date, seniority of the petitioner has not reached. The petitioner has been waiting for a long time and he is facing hardship in paying monthly charges. Therefore, the petitioner has given an application to exchange the special scheme electricity service connection with another free agricultural service connection belonging to the petitioner. If electricity service connections are exchanged, it will mitigate the sufferings of the petitioner. This Court may issue a direction to the respondents to consider the representation dated 17.11.1990 to provide the free electricity connection according to the special scheme on receipt of Rs.50,000/-, within a reasonable time as fixed by this Court. The learned counsel also prays to quash the proceedings dated 25.02.2020 and allow these petitions.

6. The learned Standing Counsel submitted that after reaching the seniority, the petitioner's representation will be considered in the manner known to law.

7. In view of the above, since there is no provision available for exchange of service connection from free connection to special agricultural scheme connection, this Court cannot issue any positive direction to the petitioner. However, this Court is inclined to direct the respondents to consider the petitioners' representation dated 17.11.1990 within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law.

8. With the above directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Rli



To

1. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Kovai Distribution Circle/South,
Coimbatore.

2. The Assistant Executive Engineer,
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3. The Assistant Engineer,
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Vanjipalayam,
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GPL(CO)
GN(16/03/2022)