

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.01.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13130 of 2020

M.Kathavarayan

... Petitioner

Vs.

- 1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kallakurichi Electricity Distribution Circle,
Kallakuruchi District.
- 2.The Executive Engineer,
Operations & Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Ulundurpet Circle, Kallakuruchi District.
- 3.The Assistant Executive Engineer,
Operations & Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Ulundurpet Circle, Kallakuruchi District.
- 4.The Assistant / Junior Electrical Engineer,
Operations & Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Ulundurpet Circle, Kallakuruchi District.
- 5.The Assistant Electrical Engineer,
Operations & Maintenance,
Tamil Nadu Generation and Distribution Corporation,
Pillaiyarkuppam Village, Ulundurpet Main Road,
Elavanasurkottai, Ulundurpet Taluk, Kallakuruchi District.

6.K.Govindaraj

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents Nos. 1 to 5 to provide Agricultural Electricity Service Connection for pump set under Agricultural Free Electricity Scheme to the Petitioner in Survey No. 16 / 1B based on the No Objection / consent given on 27.12.2010 by the earlier Co-Owner and without insisting for another No Objection / Consent from the subsequent purchaser Respondent Nos. 6 by considering the petitioner representations dated 26.12.2018 and 15.03.2019 within a time frame to be fixed by this Court.

For Petitioner : Mr.B.Abdul Samath
For Respondents : Mr.L.Jaivenkatesh for R1 to R5
Mr.D.Ashok Kumar for R6

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the Respondents Nos. 1 to 5 to provide Agricultural Electricity Service Connection for pump set under Agricultural Free Electricity Scheme to the Petitioner in Survey No. 16 / 1B based on the No Objection / consent given on 27.12.2010 by the earlier Co-Owner and without insisting for another No Objection / Consent from the subsequent purchaser Respondent Nos. 6 by considering the petitioner representations dated 26.12.2018 and 15.03.2019 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the properties situated in S.F.Nos.16/1C2, 16/1D4, 16/1E1, 16/1E3, 28/5D, together with half share in the well situated in S.F.No.16/1B had been purchased by the petitioner's father's elder brother namely Vellaiyan from Patchaimuthu Padaiyatchi. After the death of Patchaimuthu Padaiyatchi, his son became entitled for the properties in succession. The said Vellayan, had partitioned the above said property among his brother, namely Mayavan (Petitioner's father) and Annamalai by dividing the above said properties into three shares . From out of the 3/6th shares in the Well in SF.No.16/1B, 2/6th shares was allotted to his father and 1/6th share was allotted to his father's younger brother. While being so, the petitioner's father made an application for free agricultural electricity connection for the well situated in S.F.NO.16/1B, Neivanai Village and his father was expired on 10.08.1990. The petitioner's father younger brother had sold his property along with Well to Kuppan, Grandfather of the 6th respondent and subsequently the said Kuppan was died and now the 6th respondent enjoying the said property. Similarly Mannatha Padaiyatchi, who was the co-owner in the Well with 3/6th shares had also applied for free agricultural electricity connection, for which as a legal heir of the deceased father, the petitioner had given No Objection to Mannatha Padaiyatchi to get free electricity, the petitioner also gave no objection certificate. Thereafter, for the application submitted by the petitioner's father, the 2nd respondent issued a letter dated 30.10.2010 to submit all the relevant documents along with no objection certificate from the co-owner of the well for getting the free electricity line for pump set. In spite of submission of all the necessary documents, the petitioner has not yet been granted free electricity service connection. Furthermore, the said Mannatha Padaiyatchi had sold his properties along with his 3/6th shares in the well to the 6th respondent. The 6th respondent is now enjoying the free electricity service connection for pump set under agricultural scheme. Now, the petitioner again forced

to get another no objection / consent from the 6th respondent, inspite of the earlier no objection / consent from Mannatha Padayatchi. Since the officials were relentless in their demand, the petitioner requested the 6th respondent and his father to give No Objection / consent, however, the 6th respondent have not given the NO Objection to the petitioner and hence, he made complaint to the 2nd respondent on 30.03.2017, who vide a letter dated 05.10.2018, informed the petitioner that only after obtaining the NOC from the 6th respondent, his grievance would be considered. The petitioner immediately made a representation to the 4th respondent requested him to grant time for producing the NOC, however the 4th respondent issued a letter by informing that this Court had made it mandatory to get NOC from the joint patta holders for getting the free electricity service connection. Thereafter, the petitioner once again made representation to the 4th respondent on 26.12.2018, requesting him to provide the petitioner with free electricity service connection for pump set under agricultural scheme based on the NO Objection Certificate / consent given by the earlier co-owner, Mannatha Padayatchi, without insisting for a fresh No Objection Certificate / consent from the 6th respondent and made representation to the official respondents on 15.03.2019 also. Since the said representation was not considered, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court issues direction to the 4th respondent to consider the petitioner's representations dated 27.12.2010 and 15.03.2019 based on the NO Objection Certificate / consent given by the earlier co-owner, Mannatha Padayatchi, without insisting for a fresh No Objection Certificate / consent from the 6th respondent and pass orders on the same within a particular time frame fixed by this Court.

4. The learned standing counsel has no objection for said order being passed and he further submitted that the representation of the petitioner will be considered within a reasonable time as fixed by this Court as per the guidelines.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 4th respondent to consider the petitioner's representations dated 27.12.2010 and 15.03.2019 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintending Engineer,
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Elavanasurkottai, Ulundurpet Taluk,
Kallakuruchi District.

+1 cc to Mr.B.Abdul Samath, Advocate Sr.NO.742

+2 ccs to Mr.D.Ashok Kumar, Advocate Sr.NO. 722

+1 cc to Mr.L.Jaivenkatesh , Advocate Sr.NO. 1165

W.P.No.13130 of 2020

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A.SK(02.02.2022)