



Writ Petition No.38002 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.38002 of 2016

a n d

W.M.P.No.22381 of 2017

M.Srinivasan

... Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board,
Anna Salai, Chennai – 600 002.
2. The Chief Engineer,
Tamilnadu Electricity Board – Distribution Region,
Erode – 9.
3. The Superintending Engineer,
Tamil Nadu Electricity Board – Distribution Circle,
Namakkal.
4. The Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Road – Distribution Circle,
Rasipuram – 637 408.



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5. The Assistant Executive Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Namakripet East,
Mullukurichi – 636 142, Namakkal District.

6. The Assistant Engineer,
Operation & Maintenance,
Tamil Nadu Electricity Board,
Mullukurichi P.O., Rasipuram Taluk,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent relating to K.No.S.P./E&P/R/VU/GVV.Can/A.No.171/2016 dated 10.06.2016 and the records of the fifth respondent relating to K.No.2/SP/E&P/NP/Complaint/A.No.169/16-17 dated 30.08.2016 and quash the same and direct the respondents to consider the petitioner's Application SL.No.MKY-A6/1991-92 dated 16.09.1991 and effect service connection to his Well in S.No.103/3A, Mullukurichi Village, Rasipuram Taluk, Namakkal District to enable the petitioner to cultivate his lands in S.No.103/3B, 102/4, 6, 7 and 100/B2 in Mullukurichi Revenue Village, Rasipuram Taluk, Namakkal District.

For Petitioner ... Mr.S.Mohanraj
for P.Tamilavel

For respondents ... Mr.M.Abul Kalam – R1 to R3

No appearance – R4

ORDER



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This Writ Petition has been filed to quash the proceedings of the fourth respondent dated 10.06.2016 and the fifth respondent dated 30.08.2016 and direct the respondents to consider the petitioner's Application dated 16.09.1991 and effect service connection to his Well in S.No.103/3A, Mullukurichi Village, Rasipuram Taluk, Namakkal District to enable the petitioner to cultivate his lands in S.No.103/3B, 102/4, 6, 7 and 100/B2 in Mullukurichi Revenue Village, Rasipuram Taluk, Namakkal District.

2. The case of the petitioner is that the petitioner had applied for 7.5 H.P. on 16.09.1001 to the fourth respondent under Special Priority Scheme of 2 lakhs Service Connection to agriculturist to his property in S.No.103/3B, 102/4, 6, 7 and 100-B2, Mullukurichi Revenue Village measuring 7 acres of land. The application of the petitioner was considered by the fourth respondent only on 30.10.2010, after 20 years by issuing a notice directing the petitioner to produce certain documents. Though the petitioner submitted all the documents on 18.11.2010, no acknowledgment for receipt of the documents has been given to the petitioner. However, the petitioner received a notice sent by the fourth respondent on 10.06.2016 stating that the petitioner has not registered his



readiness as per the letter dated 30.10.2010 and hence, his application has been cancelled and his right in the application has also been cancelled. Hence, it is the contention of the petitioner that the letter dated 13.10.2010 is never served on the petitioner. Hence, this Writ Petition.

3. In the counter it is the contention of the respondents that the documents have not been submitted by the petitioner as alleged in the petition and the readiness should have been shown on or before 20.11.2010 and as the petitioner has not shown his readiness, the fourth respondent has cancelled the application of the petitioner on 10.06.2016. It is their further contention that the petitioner and one Jothimani jointly owned free agricultural service connection under Tariff IV vide Sc.No.512- 006-44. Therefore submitted that as the petitioner is already having joint agricultural service connection, one more connection cannot be given.

4. It is submitted by the learned counsel for the petitioner that the so called communication directing the petitioner to give readiness is never served on the petitioner. Therefore, the contention of the respondents that the petitioner has not shown his readiness is not correct. In fact all the documents have been



subsequently produced, but no acknowledgement has been given. It is further stated by the petitioner counsel that as the existing connection is in the Joint Family name, the petitioner will transfer the connection to his brother individually.

5. The learned counsel appearing for the respondents submitted that if the petitioner transfers the joint connection to his brother's name, they are ready to provide service connection to the petitioner.

6. The statement of the learned counsel appearing for the respondents is taken on record. Since the existing connection has been provided in the joint name of the petitioner and his brother, if the petitioner surrenders the service connection either to the respondent or transfer the same to his brother, the respondents are ready to provide service connection to the petitioner.

7. Considering the above, the petitioner is directed to file necessary application before the respondent either to surrender or transfer the connection to Jothimani, since the above connection is in the joint family member's name, which is originally owned by the father of the petitioner, namely Muthu Gounder,



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and on such application given by the petitioner, the respondents shall provide new agricultural connection to the petitioner under Special Priority Scheme of 2 lakhs service connection, within a period of three months from the date receipt of a copy of this Order.

8. Accordingly, this writ petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

16.11.2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To

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N. SATHISH KUMAR, J

VRC

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