

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15559 OF 2020

Selvaraj

... Petitioner

.Vs.

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.
2. The Executive Engineer,
Operation and Management,
TANGEDCO, Thirukoilur,
Villupuram District.
3. The Assistant Electrical Engineer,
Operation and Management,
TANGEDCO, Mugaiyur,
Villupuram.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records in Ka.No.Se.Po.I & Pa Thiru Va.Aa.Koo.Complaint No.2019 A.No.117 dated 12.09.2019 on the file of the 2nd respondent pursuant to the orders of the 3rd respondent in proceeding U.Mi.Po/ E&Pa/ Mukai/ Va.Aa./ KO.Thagaval/ A.No.340/ 2015 dated 28.01.2015 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to effect service connection in S.F.NO.6/12B, in Perichanoor Village, Kaaranai Post, Kandachipuram Taluk, Villupuram District.

For Petitioner : Mr.R.Poornima

For Respondents : Mr.L.Jaivenkatesh

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for records in Ka.No.Se.Po.I & Pa Thiru Va.Aa.Koo.Complaint No.2019 A.No.117 dated 12.09.2019 on the file of the 2nd respondent pursuant to the orders of the 3rd respondent in proceeding U.Mi.Po/E&Pa/Mukai/Va.Aa./KO.Thagaval/A.No.340/2015 dated 28.01.2015 and quash the same and further direct the respondents to effect service connection in S.F.NO.6/12B, in Perichanoor Village, Kaaranai Post, Kandachipuram Taluk, Villupuram District.

2. The case of the petitioner is that the petitioner is an agriculturalist and owned property at S.F.No6/12B, 7/11C2, 111/2 in Perichanoor Village, Thirukoilur and carrying on cultivation in his field with the help of Well in his land. When the Government has introduced free electricity connection for agricultural purpose, the petitioner has applied for electricity service connection on 09.03.1989 with the respondent and the Board had sanctioned free supply of electricity on seniority wise and the petitioner had been waiting for his turn for getting free electricity service connection and in this regard, he used to visit the respondent and requested for processing his application and the 2nd respondent informed the petitioner that only on priority basis, the service connection will be effected. In the meanwhile, in the year 2003, the petitioner sold the property at S.F.No.7/11C2 due to poverty. However, the 2nd respondent in his proceedings dated 30.10.2010 has sent a communication stating that he was allotted with service connection in S.F.No.7/11C2. Immediately thereafter, the petitioner has rushed to the 2nd respondent and informed his situation and the 2nd respondent officials informed him that in the application, the petitioner had mentioned S.F.No7/11C2. It is the claim of the petitioner that he on account of his illiteracy, had wrongly mentioned his S.F.No.7/11C2 instead of S.F.No.6/12B. Immediately, the petitioner made an application on 30.11.2010 requesting to sanction and effect the service connection in S.F.No.6/12B and the petitioner was directed to submit the documents and he also submitted the documents pertaining to S.F.No.6/12B and inspite of several efforts, on 28.01.2015 it was rejected. Again on 29.08.2019, the petitioner has submitted another application and the same was also rejected by stating that only in the survey number which had been mentioned in the application, service connection could be effected. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner has made application in the year 1989 for free electricity service connection, wherein he

mentioned all three survey numbers of his land and from that of the same, a piece of land in one survey number only was sold in favour of the third parties. However, the petitioner is entitled to get electricity free connection in the other survey numbers, mentioned in the above said application. Accordingly, prays for allowing of this petition.

4. The learned Standing Counsel appearing for the respondent Board submitted that the petitioner originally applied for free agriculture service connection for S.F.No.7/11C2 in the Perichanur Revenue Village, however during registration period itself, he owned S.F.No.6/12B and he noted other survey numbers in his application as adjacent land without any open well/bore well and mentioned it as a dry land. Further on 30.10.2010, a 90 days notice was issued to the petitioner by the TANGEDCO for submission of revenue documents to effect free agricultural service connection and the petitioner has submitted revenue documents for the S.F.No.6/12 instead of S.F.No.7/11C2, after lapsing of prescribed duration and hence the same denied by the TANGEDCO. After several wrong petitions made by the petitioner to the higher officials/political leaders, the revenue documents given by the petitioner submitted to the Chief Engineer, who inturn instructed that the land bearing S.F.No.7/11C2, Perichanur is not owned by the applicant during the issuance of 90 days' notice and hence he is not eligible for getting agriculture free service connection. Further the petitioner has also filed a petition before the President, Consumer Grievances Redressal Forum, wherein his petition was rejected vide its letter dated 20.04.2016 by stating that the Boards order Memo dated 25.11.1985 guided to issue agricultural free service connections only to the eligible present land owner and not for applicant and therefore, the petitioner is not entitled for agricultural free service connection and prays for dismissal of the same.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. The petitioner originally applied for free agriculture service connection for S.F.Nos.6/12B (Dry land), S.F.No.7/11C2 (wet), S.F.NO.111/3 (Dry) in the Perichanur Revenue Village to carry on cultivation in his field with the help of Well in his land. Since the Well is situated in S.F.No.7/11C2, the Electricity Board had granted free agricultural service connection to the said survey number. However, the petitioner has sold the said survey number to the third party and prays for electricity connection in respect of other survey number. Since the electricity connection was granted in favour of the petitioner for S.F.No.7/11C2, the respondent Board has rejected the claim of the petitioner as the other lands comprised in the above said survey numbers are dry lands.

7. This Court considering the facts and circumstances of the case, is inclined to give liberty to the petitioner to file fresh application for free electricity service connection. Accordingly, this Writ Petition is dismissed and it is open to the petitioner to file a fresh application for free electricity service connection and if any such application is filed, the respondents are directed to consider the same as per the seniority. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.
2. The Executive Engineer,
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TANGEDCO, Thirukoilur,
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PMK(CO)
PBS/24/02/2022