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W.P.No.29139 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.29139 of 2022

1.Arukkathal
2.Saraswathi
3.S.Durairaj
4.S.Thangaraj

...

Petitioners

Vs

1.The Chairman,
TANGEDCO,
800, Anna Salai,
Chennai – 600 001.

2.The Executive Engineer,
Operations and Maintenance
TANGEDCO,
Dharapuram, Tiruppur District.

3.The Assistant Executive Engineer,
T.N.E.B., TANGEDCO,
Udumalpet Road,
Dharapuram, Tiruppur District.

4.The Assistant Engineer,
TANGEDCO,
Udumalpet Road,
Dharapuram, Tiruppur District.

... Respondents



W.P.No.29139 of 2022

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.06.2022, which was acknowledged by the respondents on 03.07.2022 and the petitioner's application dated 27.07.2022 and grant electricity supply for agricultural purposes to the petitioners in respect of agricultural lands comprised in S.F.No.180/2, situated at Chinnakkanpalayam, Dharapuram, Tiruppur District as expeditiously as possible.

For Petitioners : Mr.N.Srinivasan

For Respondents : Mr.M.Abul Kalam
Standing Counsel

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the petitioners representation dated 30.06.2022, which was acknowledged by the respondents on 03.07.2022 and the petitioners application dated 27.07.2022 and grant electricity supply for agricultural purposes to the petitioners in respect of agricultural lands comprised in S.F.No.180/2, situated at Chinnakkanpalayam, Dharapuram, Tiruppur District as expeditiously as possible.

2. The petitioners father late one V.Swaminathan got agricultural electricity service connection pursuant to his application which was submitted in the year 2005 in the land at S.No.179/2 Chinnakkanpalayam, Dharapuram, Tiruppur District.



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3. Subsequently the father of the petitioners sold the property to the 3rd party therefore he wanted to change the service connection in another land belongs to the petitioners father at S.No.180/2 but that was not accomplished by the petitioners father during his lifetime.

4. However during the lifetime of the petitioners father, he made a fresh application on 29.10.2021 to get service connection in the said S.No.180/2 and when that application was pending expecting the seniority to reach in the name of the petitioners father, the petitioners father unexpectedly died on 08.11.2021.

5. The property concerned was inherited by the petitioners according to the claim made by the petitioners, therefore he wanted the service connection to be extended in favour of the petitioners name in the same survey number as per the application submitted by the petitioners father dated 29.10.2021. In this regard when the petitioners wanted to give a representation on 27.07.2022 since the respondent TANGEDCO also wanted a formal application to be given in the name of the petitioners, then only it would be considered the electricity service connection for agricultural purpose in the name of the petitioners, the petitioners



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had given the application dated 27.07.2022. Therefore, all that the petitioners are expecting now, that their representation dated 30.06.2022 can be considered along with the application of the petitioners dated 27.07.2022 as a continuation of the application submitted by his father on 29.10.2021 for extending the agricultural service connection in S.No.180/2.

6. In order to get a direction in that line by way of mandamus, the petitioners have moved the present writ petition.

7. Heard Mr.N.Srinivasan, learned counsel appearing for the petitioners who having reiterated the aforestated would seek indulgence of this Court.

8. Heard Mr.M.Abul Kalam, learned Standing Counsel appearing for the respondents who would submit that, if at all the petitioners want to get a service connection in the name of the 3rd petitioner, he has to first establish that, he is the only legal heir of the deceased father of the petitioners who admittedly is no more and in that case the seniority of the application submitted by the petitioners father dated 29.10.2021 is to be restored and based on which, service connection is to be extended subject to the legal heir certificate to be produced by the petitioners



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based on which other legal heirs also would be enquired and if any objection has come from any other legal heirs that also would be ascertained, based on which only the petitioners request would be considered in accordance with law.

9. Having considered the said submissions made by the learned counsel appearing for the parties and having perused the materials placed before this Court, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents to consider the representation of the petitioners dated 30.06.2022 along with his application dated 27.07.2022 in continuation of the application submitted by the petitioners late father on 29.10.2021 for extending agricultural service connection at S.No.180/2 at Chinnakkanpalayam, Dharapuram, Tiruppur District and in this regard after verifying the claim of the petitioners that it is not objected by any other legal heir of the deceased father of the petitioners, the needful as indicated above can be undertaken by the respondents within a period of six weeks from the date of receipt of a copy of this order.



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10. With this direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes / No

Speaking Order: Yes / No

Note : Issue order copy on 08.11.2022

Sgl

To

- 1.The Chairman,
TANGEDCO,
800, Anna Salai,
Chennai – 600 001.
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R. SURESH KUMAR, J.

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