

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15..03..2022

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.29349 of 2017

and

W.M.P.Nos.31608 to 31610 of 2017

K.Ponnammal

... Petitioner

-Versus-

- 1.The Chairman,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Anna Salai, Chennai 600002.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
No.19-A, 19-B, Jothi Nagar,
P.N.Road, Tiruppur.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
P.S.G. Building, Kangayam,
Tiruppur District.

- 4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tiruppur Electricity Distribution Circle,
Arasampalayam Post,
Sivanmalai, Kangayam Taluk,
Tiruppur District.
- 5.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tiruppur Electricity Distribution Circle,
Mudalipalayam, Mudalipalayam Village & Post,
Tiruppur Taluk and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus calling for the entire records relating to the impugned order passed by the 4th respondent in his proceedings No.A.E.E/O&M/C.Malai/Ka.Agri.No.179/2017 dated 06.11.2017 and to quash the same and for a consequential direction to the respondents to give agricultural electricity service to the petitioners husbands borewell situated in S.No.278/1 Karakkattuthottam, Manickkapurampudur , Mudalipalayam Village, Manoor Post, Tiruppur Taluk & District by taking note of the petitioners seniority in Register No.291/97-98.

<i>For Petitioner</i>	: <i>Mr.C.Prakasam</i>
<i>For Respondent(s)</i>	: <i>Mr.Abdul Kalam,</i> <i>Standing Counsel for RRI to 5</i>

ORDER

This writ petition has been filed challenging the impugned notice bearing No.A.E.E/O&M/C.Malai/Ka.Agri.No.179/2017 dated 06.11.2017 and for a consequential direction to the respondents to give agricultural electricity service to the petitioners husbands borewell situated in S.No.278/1 at Karakkattuthottam, Manickkapurampudur , Mudalipalayam Village, Manoor Post, Tiruppur Taluk & District by taking note of the seniority of the petitioner in Register No.291/97-98.

2. The case of the petitioner is that the petitioner originally owned a piece of land in S.No54/6 at Sivanmalai Village, Kangayam Taluk, Tiruppur District and she had applied for agricultural service connection before the respondent board for a well situated in the above said land. Thereafter, in a partition suit filed by her in O.S.No.248 of 2016 on the file of the Additional District Judge-III, Dharapuram, Tiruppur District against one K.P.Chinnasamy and two others the above said land was allotted to shares of the defendants in the said suit and instead of above land, the petitioner herein was allotted a piece of land situated somewhere else. However, the parties to the suit had agreed among themselves that the application filed by the petitioner seeking for agricultural service

connection which was pending with the 4th respondent, the petitioner was given liberty to get service connection in her favour for the land situated in S.No.278/1 at Karakkattuthottam, Manickkapurampudur, Mudalipalayam Village, Manoor Post, Tiruppur Taluk and District instead of land in S.No.54/6 at Sivanmalai Village, Kangayam Taluk. That application was not considered by the respondent board on the ground that the land in question stood in the name of the husband of the petitioner. However, the respondents by way of impugned notice required the petitioner to produce all necessary documents to support her title over the land in question. It is this notice which is now under challenge in the present writ petition.

3. On behalf of the respondent board, the respondents 1 to 5 have filed a detailed counter opposing the writ petition.

4. The learned counsel for the petitioner submitted that land in S.No.54/6 situated at Sivanmalai Village was originally owned by the petitioner and in a partition suit, the same was allotted to the defendants and the petitioner was allotted some other land. In the said circumstances, the petitioner wanted to

continue her application for agricultural service connection for the land situated in S.No.278/1 at Karakkattuthottam, Manickkapurampudur, Mudalipalayam Village instead of S.No.54/6 at Sivanmalai Village. Even though the above said land stood in the name of her husband, her husband died intestate on 30.09.2020, and therefore, after the demise of her husband, the petitioner, being a legal heir, has become the absolute owner and entitled to continue her application for agricultural service to a land situated at different location. There would not be any impediment for the respondent board in considering the request of the for change of location of agricultural service connection.

5. The learned counsel for the respondent board submitted that the land for which the service connection is sought does not stand in the name of the petitioner and as per the Amended Supply Code change of location of service connection will be considered if only the applicant proves ownership in the well and the land for which the service connection was sought. As the well and the land situated at the propose location stood in the name of the husband of the petitioner, the board was unable to consider the request of the petitioner. The learned standing counsel, however, on instructions, submitted that if the

petitioner produces all necessary documents showing her ownership of the well and the land situated at the proposed location, the same would be considered and suitable orders would be passed as expeditiously as possible.

6. Considering the above submissions made by the learned standing counsel for the respondents and the facts and circumstances of the case, the petitioner is directed to appear before the respondents and produce all necessary documents showing her right and ownership over the land and the well situated at the proposed location and on producing such documents, the respondents shall consider the same as expeditiously as possible in accordance with the Amended Regulations of the Electricity Supply Code and pass suitable orders thereon taking into consideration of the seniority of the petitioner for agricultural service connection. This writ petition is disposed of accordingly with the above directions. No costs. Consequently, WMPs stand closed.

Index : yes / no

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Internet : yes / no

Speaking / Non Speaking Order

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V.BHARATHIDASAN.J.,

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