



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14580 of 2010

and

M.P(MD)No.1 of 2010

WEB COPY

Subramanian

... Petitioner

Vs

1.The Secretary to Government,
Electricity Department,
Fort St.George, Chennai.

2.The Executive Engineer,
(Distribution),
Tamilnadu Electricity Board,
Manamadurai, Sivagangai District.

3.The Superintending Engineer,
Tamilnadu Electricity Board,
Sivagangai District.

4.Thothan
S/o.Vellaiyan

... Respondents

[R4 is impleaded vide order dated
09.12.2020 made in MP(MD)No.2 of 2010]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, calling for the records relating to the impugned order issued by the second respondent in his proceedings in க.எண்.செபொ/ப/மானா/தொநுட/கோ.கட்டு/அ.எண்.1038/2010, dated 14/19.06.2010 to quash the same as illegal and consequently direct the second respondent to transfer the petitioner's name in agricultural electricity connection vide Registration No.EE/D/MNM/198/88-99, dated 06.03.1989 by ensuring existing seniority.

For Petitioners : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj
For Respondent : Mr.N.Ramesh Arumugam
No.1 Government Advocate
For Respondent : Mr.S.Deenadhayan
Nos.2 & 3
For Respondent : No appearance
No.4

ORDER

This writ petition is filed as against the order dated 14.06.2010, in and by which, the respondents rejected the application for electricity service connection to agricultural land in R.S.No.98/17-B.



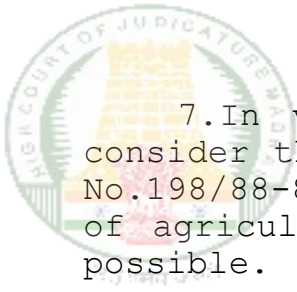
2.The petitioner purchased the land in Survey No.98/17-B of Aadhanoor village, Manamadurai Taluk, Sivagangai District to an extent of 49 cents from one Thothan, S/o.Vellaiyan. The petitioner's vendor Thothan had earlier applied for agricultural electricity service connection in the year 1989 and the same was numbered as 198/88-89, dated 06.03.1989. The petitioner after purchasing the land, had applied service connection on 11.08.2008 to the second respondent and the same was rejected by the second respondent vide impugned order. Aggrieved over the same, the petitioner is before this Court.

3.The learned Counsel for the petitioner submits that the petitioner purchased the land in the year 2001 itself. But by referring the representation made on behalf of the erstwhile owner of the land in the year 2007 and 2008, the respondents have taken a decision in the year 2010. However, the petitioner was not provided with any opportunity of hearing before rejecting the application. Therefore, this application is liable to be set aside on the ground of violation of principles of natural justice and on account of non-application of mind.

4.The learned Standing Counsel appearing for the respondent Board submits that the petitioner's vendor attempted to get service connection in his name by projecting that the well stood in his name as on date of his application even in the year 2007 and 2008. Therefore, in view of the false information provided by the petitioner's vendor, the petitioner's application to consider the earlier application made by his vendor during the year 1989, for providing electricity service connection was rejected by the respondents.

5.This Court considered the rival submissions made and perused the materials placed on record.

6.Admittedly, the application was made by the petitioner's vendor Thothan in the year 1989 and the same was registered as No.198/88-89. The vendor Thothan sold a part of the land to the petitioner by registered sale deed in the year 2001. The petitioner after purchasing the land, made request to the respondent Board to consider the application submitted by his vendor on 06.03.1989 in his favour for grant of agricultural electricity service connection. But the respondent Board, rejected the application of the petitioner on the ground that incorrect information were provided by the petitioner's vendor vide applications made in the year 2007 and 2008. It is seen from records that the petitioner has made application along with sale deed in the year 2008 and the same was pending before the second respondent. However, without affording an opportunity of hearing to the petitioner, based on the information provided by the petitioner's vendor, the respondents have taken a decision rejecting the petitioner's application and therefore, the application is liable to be set aside.



7.In view of the above, the respondent Board is directed to consider the earlier application made by the petitioner's vendor in No.198/88-89, dated 06.03.1989 in favour of the petitioner for grant of agricultural electricity service connection as expeditiously as possible.

8.The writ petition is allowed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The Secretary to Government,
Electricity Department,
Fort St.George, Chennai.

2.The Executive Engineer,
(Distribution),
Tamilnadu Electricity Board,
Manamadurai,
Sivagangai District.

3.The Superintending Engineer,
Tamilnadu Electricity Board,
Sivagangai District.

+1 CC to M/s.NA. PALANIYANDI, Advocate (SR-17136[F]
dated 07/04/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-17360[F]
dated 07/04/2022)

+1 CC to M/s.SPL.G.P (SR-17621[F] dated 08/04/2022)

W.P(MD)No.14580 of 2010
06.04.2022

SG(CO)

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