



W.P.(MD).No.17442 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 08.11.2022

**ORDER PRONOUNCED ON : 11.11.2022
CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR
W.P.(MD).No.17442 of 2014
and M.P(MD).Nos.1 & 2 of 2014**

M.Mookaiah

...Petitioner

Vs

1.The Managing Director
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai 600 002

2.The Chief Engineer /Planning & Resource Centre
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai 600 002

3.The District Collector
Pudukottai District
Collectorate Complex, Pudukottai 622 001

4.The Superintending Engineer
Pudukottai Distribution Circle
Tamil Nadu Generation and Distribution Corporation Ltd.,
Near Old Bus Stand, Pudukottai 622 001

5.The Executive Engineer
Operation and Maintenance
Tamil Nadu Generation and Distribution Corporation Ltd.,
Keeranur 622 502
Pudukottai District

6.The Assistant Engineer
Operation and Maintenance (Keeranur South)
Tamil Nadu Generation and Distribution Corporation Ltd.,
Keeranur 622 502, Pudukottai District

....Respondents



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the impugned proceedings of 5th respondent in his letter No.Ka.No.Se.Po.E.Ka/Kira/Tho.Nu.U/Ko/Viva/A.No. 446/13/dated 07.02.2013 and quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Joseph Xavier Raj

For R1, R2,
R4 to R6 : Mr.S.Deenadhayalan
Standing Counsel

For R3 : Ms.J.Jeyapriya
Government Advocate

ORDER

The present writ petition has been filed challenging an order passed by the fifth respondent under which the request of the writ petitioner for grant of free agricultural service connection has been rejected.

2.According to the learned counsel for the petitioner, his father Muthusamy Thondaiman had applied for service connection under a special scheme in Registration No.24 dated 27.04.1993 for a Well located in Survey No.192/1. The petitioner's father has also registered himself in Registration No.384 dated 18.12.1993 under the regular scheme depending upon the seniority.

3.According to the learned counsel for the petitioner, while the petitioner's father was alive, Registration No.24 was taken into consideration and on payment of Rs.25,000/-, a service connection was effected in his



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father's name on 15.05.2002 in Service Connection No.70. However, Registration No.384 was kept pending since seniority has not been reached. He had further contended that after the death of his father, he agreed to transfer the service connection No.70 dated 15.05.2002 in the name of his brother. This concession was given by him only under a fond hope that whenever seniority is reached, he can get another service connection based upon the Registration No.384 dated 18.12.1993.

4. According to the learned counsel for the petitioner, he has received a communication from the electricity board on 31.08.2010 calling upon him to express his readiness to accept free service connection under the regular scheme on or before 15.10.2010. Thereafter, the petitioner had made a request to transfer the said registration from the name of his father to his name and grant service connection. This request of the petitioner has been rejected under the impugned order on the ground that only one service connection can be effected to one Well. Since already a service connection is available for the Well in service connection No.70, another service connection for the same Well in the name of the writ petitioner cannot be granted. This order is under challenge in the present writ petition.

5. The learned counsel for the petitioner had further contended that as per Board Regulation, two service connections can be given to the same Well, if each of the co-owners are having more than 50 cents of lands. According to



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the learned counsel for the petitioner, he is having 60 cents of land and hence, he is entitled to independent service connection for the same Well. That apart, only one of the registrations made by his father has been honoured and his registration namely Registration No.384 should be transferred in his name and new service connection could be effected in his favour. However, without considering the Board Regulations, the impugned order has been passed rejecting the request of the petitioner as if two service connections cannot be effected to a single Well. Hence, he prayed for allowing the writ petition.

6.Per contra, the learned Standing Counsel appearing for the electricity board had contended that the petitioner's father had made two applications for a single Well located in Survey No.192/1. One of the applications in Registration No.24, dated 27.04.1993 is under a special scheme on payment of charges. The other registration with Registration No.384 dated 18.12.1993 is under a regular scheme awaiting for the seniority to be reached. Since the petitioner's father has paid a sum of Rs.25,000/- under the special Scheme, Registration No.24 was honoured and service connection was granted in service connection No.70 on 15.05.2002. Once a service connection is effected through a special scheme, another registration under a regular scheme would get automatically lapsed. Hence, Registration No.384 had got lapsed on 15.05.2002 when the service connection was effected in favour of the writ petitioner's father in Registration No.24. Therefore, the request of the



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petitioner for transferring Registration No.384 from the name of his father to his name is not legally sustainable.

7.The learned Standing Counsel had further contended that a Co-owner is entitled to second service connection for the same Well provided he has got more than 50 cents. In the present case, if the petitioner applies for such a service connection, it could have been granted based upon the seniority. However, no such application was presented by the petitioner. The transfer of registration No.384 cannot be considered in view of the fact that it has got lapsed on providing service connection for Registration No.24. Hence, he prayed for dismissal of the writ petition.

8.I have considered the submissions made on either side and perused the materials available on record.

9.There is no dispute that there can be only one service connection to a Well in the name of one person. In the present case, the petitioner's father had applied under two different schemes for service connection to a single Well. He was provided with service connection under a special scheme on 15.05.2002. Hence, his request for a service connection under the regular scheme got automatically lapsed. Therefore, the contention of the writ petitioner that the said regular scheme connection should be transferred in his name is not legally sustainable.



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10. Though a regular scheme application had got lapsed, erroneously a notice has been sent to the petitioner's father (who had died long back) on 31.08.2010 calling upon his readiness to be reported on or before 15.10.2010. Even assuming such an order has to be honoured, there is no record to indicate that the petitioner had expressed his willingness to accept the said order on or before 15.10.2010. The petitioner has made a request only on 16.11.2012. Hence, the petitioner would not be entitled to a second service connection for the same Well, unless a fresh application is presented by him as a co-owner of the said Well. The petitioner cannot rely upon Registration No.384, dated 18.12.1993 which got lapsed on giving connection to another Registration No.24 dated 27.04.1993 on 15.05.2002.

11. In view of the above said facts, there are no merits in the writ petition and the same is dismissed. However, the petitioner is at liberty to approach the respondent authorities by way of a fresh application seeking service connection either under the Special scheme or under the regular scheme and based upon the seniority, the Electricity Board shall consider the said application.



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12. With the above observation, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2022

Internet : Yes/No

Index : Yes/No

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To

The District Collector
Pudukottai District
Collectorate Complex,
Pudukottai 622 001



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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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11.11.2022