



W.P.(MD)No.21840 of 2017

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :23.12.2022

CORAM

**THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

W.P.(MD)No.21840 of 2017

P.Ganesan

... Petitioner

Vs.

1.The Chief Engineer,  
Tamil Nadu Generation and Distribution-  
Corporation Limited (TANGEDCO)  
NPKRR Maligai, 144, Anna Salai,  
Chennai 600 002.

2.The Superintending Engineer,  
Tamil Nadu Generation and Distribution-  
Corporation Limited (TANGEDCO)  
Mannarpuram, Tiruchirappalli.

3.The Executive Engineer,  
(Operation and Maintenance)  
Tamil Nadu Generation and Distribution-  
Corporation Limited (TANGEDCO)  
Musiri, Tiruchirappalli District 621 211.

4.The Commissioner,  
Thathaiyangarpettai Panchayat Union,  
Thathaiyangarpettai,  
Tiruchirappalli District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3<sup>rd</sup> respondent vide f.vz;.nr.nggh/.,fh./K/c.tiu/Nfh.GJhh;/m.vz;.112/2016 ehs;;28.12.2016 and quash the same and consequently directing the respondents 1 to 3 to provide electricity connection under Jeevanthara Scheme in pursuance of the registration No.302, dated 08.10.1993 for the Well situated in survey No. 238/1, Morupatti Village, Musiri Taluk, Tiruchirappalli District.

For Petitioner :Mr.D.Shanmugaraja Sethupathi

For Respondents :Mr.S.Deenadhayalan  
Standing Counsel for R1 to R3

:Ms.D.Farjana Ghoushia  
Special Government Pleader for R4

### **ORDER**

This writ petition has been filed challenging the communication of the 3<sup>rd</sup> respondent herein dated 28.12.2016 and consequently to direct the respondents 1 to 3 to provide electricity connection under Jeevanthara Scheme, in pursuance of the registration No.302, dated 08.10.1993 for the Well situated in survey No.238/1, Morupatti Village, Musiri Taluk, Tiruchirappalli District.



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2. The case of the petitioner is that he had made an application for electricity connection under the Jeevanthara Scheme in the year 1993. As he had not heard anything, he had made a representation before the Honourable Chief Minister's Cell on 31.01.2006. By communication dated 05.06.2006. The 2<sup>nd</sup> respondent/Superintending Engineer herein had sent a communication, informing the petitioner that his application under the Jeevanthara Scheme has been treated as a regular application. The reason assigned by the 2<sup>nd</sup> respondent is that as per the records, the petitioner had not obtained permission by showing his readiness when he was called for to submit his case. The petitioner had not challenged this communication. But, however, since nothing had happened, the petitioner had again sent a representation to the 3<sup>rd</sup> respondent on 25.11.2006 and to the 2<sup>nd</sup> respondent on 25.11.2006, seeking the status of his application. By communication dated 28.11.2016, the 3<sup>rd</sup> respondent herein had stated that since the petitioner had not shown his readiness, pursuant to the communication of the Executive Engineer dated 07.12.1993, the application filed by the petitioner under the Jeevanthara Scheme had lapsed and therefore, directed



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him to register a fresh one. Challenging the same, the present writ petition had been filed.

3. The learned counsel for the petitioner would contend that having issued a communication as early as in the year 2006 that the petitioner's application has been treated as a regular application, the petitioner was waiting for a regular connection. But, since the petitioner learnt that the persons who registered after the petitioner were granted connection, he had approached the authority and now, this order is passed, wherein the 3<sup>rd</sup> respondent intimated to the petitioner that his application is lapsed and ought to have made a regular application. The petitioner would have made such an application at the time and now have been granted connection. Therefore, he would plead that the impugned communication is contrary to the first communication and therefore, on that ground alone, he sought to set aside the order.

4. Countering his arguments, the learned counsel for the respondents would state that it is true that the application of the petitioner



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under 1993 Scheme had lapsed and therefore, it cannot be treated as a regular application. The communication that was sent in the year 2006 has been mistakenly sent by the then Executive Engineer. Therefore, such a mistaken communication cannot be taken advantage of the petitioner. The petitioner ought to have known the procedure that is being followed by the department. Hence, he would submit that the present impugned communication is a valid communication.

5. I have considered the rival submission made by the counsel appearing on either side.

6. As rightly pointed out by the learned counsel for the petitioner that if the petitioner being informed that his application had lapsed, he would have applied for a fresh connection. When the Court put a query, as to up to which year connections have been granted, the learned counsel for the respondent, on instructions, would submit that applications received till 2013 has been cleared. In such context, I am of the considered view, that the petitioner need not be directed to make a fresh application. The application



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submitted by the petitioner which was treated to be a regular application, even as per the communication in the year 2006, shall be treated as an application made in the year 2006 under the normal scheme and service connection be effected in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of.

No costs.

**23.12.2022**

Index : Yes / No  
Speaking Order/Non Speaking Order  
*sbn*



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**K.KUMARESH BABU, J.**

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