



W.P.No.3108 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.3108 of 2022

Purushothaman

...Petitioner

-Vs-

1.The Superintending Engineer,
O & M Tamil Nadu Electricity Board,
Kallakurichi District-606 202

2.The Executive Engineer,
O & M Tamil Nadu Electricity Board,
Thirukovilur-605 757

3.The Assistant Executive Engineer,
O & M Tamil Nadu Electricity,
Manalurpet,
Kallakurichi District-605 757

4.The Assistant Executive Engineer,
O & M Tamil Nadu Electricity Board,
Arangandanallur,
Kallakurichi District - 605 752

5.The Junior Executive Engineer,
Electricity Board,
Manalurpet,
Kallakurichi District - 605 754

...Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Ka.No.SE/O & M/ Thiru / Ko/Petition / A.No.124 / 2015, dated 07.09.2015, issued by the 2nd respondent and quash the same and consequently direct the respondents 1 to 5 to give electricity connection pursuant to the petitioner's representation dated 24.12.2021.

For Petitioner : Mr.L.Karthiga

For Respondents : Mr.L.Jai Venkatesh

ORDER

The petitioner's father, the late Ponnusamy, had applied for an electricity supply for his agricultural activity. In his application, he appears to have cited his property in Survey No.59/3C2, but the well did not have adequate water. Therefore, he changed the site to Survey No.56/8A. He was directed to have his motor ready within 90 days from 16.09.2009. However, before the expiry of 90 days, Ponnusamy passed away. It is in this circumstance, the petitioner approached the authorities, and he was served with a proceeding dated 07.09.2015 by the second respondent. The second respondent, vide the impugned proceeding, indicated that because the motor was not made ready within 90 days, he could not



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consider the petitioner's application. In the meantime, the petitioner filed an application for extending the time and also made a statement that he had made the motor ready. This was enquired into by the third respondent, who issued a notice dated 03.02.2016. However, there was no reply to it.

2.It is in these circumstances, the petitioner took out another representation dated 24.12.2021, requesting that he be provided with an electricity supply connection based on the earlier registration made by his father in Registration No.386, dated 08.05.1987.

3.In the counter, it was essentially alleged that the petitioner had not informed his readiness at least for five years after the 90-day period stipulated in the proceedings dated 16.09.2009. The counter also cites that the petitioner ought to have approached the customer grievance redressal forum.



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4. Heard Mr.L.Karthiga, the learned counsel for the petitioner and Mr.L.Jai Venkatesh, the learned counsel for the respondents.

5. Here is an agriculturist who applied for an electricity supply connection sometime in 1987 and was waiting in the queue for the next 22 years to receive a response from the authority. The opportunity came in the way of the petitioner's father. However, when the response finally came on 16.09.2009, requiring the petitioner's father to prepare the motor within 90 days, he passed away. This unfortunate event can be considered an act of God, and the respondents ought to have considered the situation more pragmatically, instead of strictly adhering to the rule. When the petitioner approached the authorities, they appeared to have rejected the request on the ground that the 90-days deadline had been breached. It is important to note that 22 years have already been lost prior to the communication received. This is clearly unjust and goes against the principles of fairness, expected of the respondents.



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6. In view of the above, the authorities are required to consider the petitioner's representation for an electricity connection for agricultural purposes pursuant to his representation dated 24.12.2021 on the original Registration No.386, dated 08.05.1987, and provide the electricity supply, subject to the petitioner complying with the other requirements.

7. The Writ Petition stands allowed in terms of herein above mentioned.

No costs.

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Index : Yes/No
Internet : Yes/No
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N.SESHASAYEE, J.,

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