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W.P.No.23111 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23111 of 2017

and

W.M.P.No.24222 of 2017

P.Ranganathan

... Petitioner

Vs.

- 1.Tamil Nadu Electricity Ombudsman
No.19-A, Rukmini Lakshmiipathy Salai (Marshal Road)
Egmore,
Chennai - 600 008.
- 2.Electricity Consumer Grievance Redressal Forum
Rep. by Superintending Engineer,
Udumalapattai Electricity Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Company
(TANGEDCO)
TANGEDCO Complex,
Udumalapettai Road,
Dharapuram - 638 656.
- 3.The Superintending Engineer (O & M),
Dharapuram,
Udumalapattai Electricity Distribution Circle Company
(TANGEDCO)
TANGEDCO Complex
Udumalapettai Road,
Dharapuram - 638 656.



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4.The Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Moolanur,
Thiruppur District.

5.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Moolanur,
Thiruppur District.

6.The Assistant Engineer,
Operation and Maintenance
TANGEDCO,
Vadukapatti, Thiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st respondent herein dated 18.04.2017 in Review Petition No.4 of 2016 / D493 and quash the same and consequently direct the respondents 3 to 6 herein to effect Agricultural Service Connection to the Borewell in Petitioner's land in S.No.3/1B, M.Komarapalayam Village, Dharapuram Taluk, Thiruppur District, within Stipulated time.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel
[For TANGEDCO]



ORDER

The order of rejection, rejecting the claim of the writ petitioner for providing free electricity service connection for agricultural purposes is under challenge in the present writ petition.

2. The petitioner states that his property situated at Dharmapuram Taluk, M.Komarapalayam Village in S/No.3/1A along with other lands, which were the ancestral properties of his father Palaniswamy Gounder, is also under irrigation. In the said land, the petitioner has commissioned a 3 HP electric motor in which his father had 3/6th share in the well and an agricultural service connection in SC.No.372-002-124 was availed for the said 3 HP motor. The said connection, admittedly, stood in the name of his father and 3 others. The petitioner is also a share holder in the said property including service connection. The father of the writ petitioner died and the petitioner purchased a portion of the property from his brother.

3. The grievance of the writ petitioner is that he submitted an application in the year 1999, seeking free electricity service connection for agricultural purpose. The said application was rejected on the ground that the



petitioner holds right in respect of the service connection granted in the name of his father and he is holding a share in the said property including the free electricity service connection provided in the said land.

4. That being the factum, the competent authorities / Tamil Nadu Electricity Board rejected the claim of the petitioner, claiming another electricity Service connection at free of cost. The said order is under challenge in the present writ petition.

5. The counter affidavit filed by the Tamil Nadu Electricity Board reveals that the petitioner's father obtained agricultural service connection for the open well situated in S.F.No.3/1A. After the demise of his father, the petitioner is holding the 3/6th share in the open well and meanwhile, the petitioner purchased his brother's share i.e., Mr.Balakrishnan. While making fresh application in the year 1999, the petitioner failed to mention that he already has a service connection for the same S.F.No.3/1A at the time of filing a fresh application. When the petitioner is holding a right in respect of the property, wherein, a free electricity service connection has already been provided and is in use, there is no provision to grant further free electricity connection service at free of costs.



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6. Now the petitioner seeks electricity service connection in respect of another survey number. In this regard, the Electricity Board has stated that the petitioner is seeking transfer of Service Connection No.124 from S.F.No.3/1A to S.F.No.3/1B for the reasons that his open well becomes dry. However, the petitioner has not filled any application either for shifting of service connection or for name transfer from his father's name to the petitioner's name regarding the Service Connection No.124. If at all the well situated in the land belongs to his father that is dry, the petitioner has to submit necessary application for transfer of service connection to the another well, where there is availability of water.

7. This being the procedures to be followed, this Court do not find any infirmity in respect of the order of rejection passed by the 1st respondent dated 18.04.2017. However, the petitioner is at liberty to file an appropriate application for transfer or otherwise by following the procedures as contemplated. In the event of filing a fresh application, it is to be considered on merits and in accordance with law.



8. With this liberty, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

15.03.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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