



W.P(MD)No.89 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.89 of 2022

V.Ramalinga Nadar

... Petitioner

Vs.

- 1.The Executive Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District .
- 2.The Assistant Engineer (Distribution)
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District .
- 3.The Superintendent Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District .



W.P(MD)No.89 of 2022

4.The Joint Commissioner

The Hindu Religious and Charitable Endowment Department ,
Palyamkottai,
Tirunelveli District.

5.The Executive Officer

Sri.Thiruvazhtheeswarar Periyanaayagi Amman Devasthanam,
Ervadai,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1 to 3 Respondents herein to consider the Petitioner's representation, dated 01.12.2021 and provide new Agricultural electricity connection sanctioned in Registration No.65/2005-06 dated 08.10.2005 in the name of Petitioner for agriculture purpose with respect to the land in Survey Nos.216, 248, 252 and 263 to an extent of 1 acre 29 cents in Kovilammalpuram, Nanguneri Taluk, Tirunelveli District without insisting no objection certificate from the Respondents 4 and 5 herein.

For Petitioner : Mr.D.Nallathambi

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

Mr.M.Senthil Ayyanar - for R4
Government Advocate

Mr.C.Gunaseelarupan - for R5



WEB COPY



W.P(MD)No.89 of 2022

ORDER

The Writ petition has been filed in the nature of a Mandamus seeking a direction primarily against the first respondent / Executive Engineer (Distribution), TANGEDCO, Naguneri Taluk, Tirunelveli District, to provide new agricultural electricity connection which had already been sanctioned by the first respondent in Registration No.65/2005-06, dated 08.10.2005 in the name of the petitioner, V.Ramalinga Nadar, who claims to be a cultivating tenant under the fifth respondent, the Executive Officer, Sri.Thiruvazhtheeswarar Periyannayagi Amman Devasthanam, Ervadi, Naguneri Taluk, Tirunelveli District, with respect of his lands in Survey Nos.216, 248, 252 and 263 totally measuring 1.29 acres in Kovilammalpuram, Naguneri Taluk, Tirunelveli District.

2. The petitioner is an agriculturist carrying on agricultural activities in the aforementioned lands. He claims to be a cultivating tenant under the fifth respondent. It is informed that the fifth respondent/ temple had also initiated independent proceedings as against



W.P(MD)No.89 of 2022

the petitioner herein. This Court is not entering into any discussion on those proceedings.

3. The petitioner had filed an application before the first respondent seeking grant of electricity connection, since he is doing agriculture, in what may be termed as agricultural free electricity connection for carrying on agricultural activities.

4. It is claimed by the petitioner that the application had moved up the seniority and had been sanctioned in Registration No.65/2005-2006 which was sanctioned in the year 2021. However, one of the conditions for actual grant of electricity connection is that the fifth respondent should give a 'No Objection Certificate'. Since there are already proceedings between the fifth respondent and the petitioner herein, the writ petition has been filed seeking grant of electricity connection without insisting on the 'No Objection Certificate'.

5. Heard the learned counsel on either side and perused the materials available on record.



W.P(MD)No.89 of 2022

6. The fact which has to be kept in mind is that the petitioner is carrying on agricultural activities and so long as he carries on agricultural activities, it is only imperative that the electricity connection is granted for drawing the water from the bore-well for agricultural purpose so that if crops are laid they do not wither away consequent to scarcity of water supply. That object has to be kept in mind by the Court. The issue between the fifth respondent and the petitioner is now pending before the competent authorities. That should not be a hindrance for grant of electricity connection to the petitioner herein. But necessary safeguards will have to be given by the Court. The following safeguards are therefore issued:-

1) The electricity connection may be sanctioned and energized in accordance with seniority of the application by the first respondent herein.

2) Even though the application has been made by the petitioner herein the status of the fifth respondent must be recognized by this Court and therefore, if at all it may be granted in the name of the fifth respondent.



WEB COPY



W.P(MD)No.89 of 2022

3) The first respondent may take necessary precautions to ensure that the electricity is granted to the lands of the petitioner alone in aforementioned survey numbers.

4) The electricity connection has to be granted as stated in the name of the fifth respondent but a sub-meter may be fixed near the bore-well of the petitioner herein, so that he can draw the electricity supply for agricultural purposes.

5) Necessary indemnity may be obtained by the petitioner herein that by grant of electricity connection, he will not take this as an additional point in the proceedings already pending before the competent authorities between him and the fifth respondent. It is made clear that the petitioner may not enlarge the existing right merely because the electricity connection has been granted to the petitioner herein.



WEB COPY



W.P(MD)No.89 of 2022

7. The first respondent may ensure that the rules and guidelines are followed. The only direction which this Court issues is that the electricity connection may be granted in favour of the fifth respondent but utilized by the petitioner herein for his agricultural purposes. Necessary safeguards in this regard may be carried out by the first respondent in their records.

8. I am confident that the first respondent would provide the electricity connection in normal process and would not unnecessarily delay in providing the electricity connection.

9. With the above directions, the writ petition stands disposed of. No costs.

07.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



W.P(MD)No.89 of 2022

To
WEB COPY

- 1.The Executive Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District.
- 2.The Assistant Engineer (Distribution)
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District.
- 3.The Superintendent Engineer (Distribution),
Tamil Nadu Electricity Generation and Distribution Corporation ,
Tamil Nadu Electricity Board,
Nanguneri Taluk,
Tirunelveli District.
- 4.The Joint Commissioner
The Hindu Religious and Charitable Endowment Department ,
Palyamkottai,
Tirunelveli District.
- 5.The Executive Officer
Sri.Thiruvazhtheeswarar Periyannayagi Amman Devasthanam,
Ervadai,
Nanguneri Taluk,
Tirunelveli District.



WEB COPY



W.P(MD)No.89 of 2022

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.89 of 2022

07.03.2023