



W.P(MD) No.1411 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No. 1411 of 2021

R.Murugesan

:Petitioner

..Vs..

- 1.The Superintending Engineer,
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Covai Road,
Karur, Karur District.
- 2.The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Covai Road,
Karur, Karur District.
- 3.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Sukkaliyur Post,
Karur District.



W.P(MD) No.1411 of 2021

4.The Chairman cum Managing Director,
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.

: Respondents

***(R4 is suo motu impleaded by this Court,
vide this order, dated 22.09.2023, in
W.P.(MD)No.1411 of 2021)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ or order especially in the nature of WRIT OF MANDAMUS directing the respondents to effect Agriculture Free Electricity Service Connection to the petitioner's land situated in S.No.396/5 of Thalappatti Village, Manmangalam Taluk, Karur District on the basis of the petitioner's representation, dated 02.03.2020.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.S.Deenadhayalan

ORDER

The present Writ Petition is filed for writ of Mandamus, directing the respondents to effect Agriculture Free Electricity Service Connection to the petitioner's land situated in S.No.396/5 of Thalappatti



W.P(MD) No.1411 of 2021

Village, Manmangalam Taluk, Karur District on the basis of the petitioner's representation, dated 02.03.2020.

2. The petitioner is having 4 acres of agricultural land and he is having patta No.2075. The petitioner is depending on the well available in the agricultural land for drawing water. The petitioner is using oil engine and it is too expensive. Therefore, the petitioner in order to get Free Agricultural Service connection provided by the Government of Tamil Nadu to the farmers and has registered his name and the land. The respondents had registered the petitioner's name under Registration No. 123/95/96, dated 31.07.1995 for 7.5 H.P. Electric Motor.

3. The contention of the respondents that the petitioner's seniority came up and the respondents issued notice to the petitioner to show the readiness and willingness after installing the motor engine and other wiring. But the contention of the petitioner is that the said notice was not received by the petitioner. The respondents submitted that the notice was issued through the certificate of posting.



W.P(MD) No.1411 of 2021

WEB COPY

4. This Court in several judgments has held that the said notice should be served to the proposed consumer through registered post only. The respondents have not shown any documents or evidence to show that the notice was sent to the petitioner through registered post. Therefore, this Court is of the considered opinion that the respondents are bound to consider the case of the petitioner.

5. The further contention of the respondents is that the respondents vide circular, dated 23.06.2012 had issued certain guidelines. Wherein it is stated that the Executive Engineer is empowered to condone the delay upto one year from the expiry of initial 90 days notice period. Likewise, the Superintending Engineer is having power to condone delay upto three years. The Chief Engineer (Distribution) is having power to condone delay of five years. Thereafter the respondents are not having power to extend the period. Hence the respondents submitted that the respondents are not having power to consider the case if it is beyond the period of five years.



W.P(MD) No.1411 of 2021

WEB COPY

6. After hearing the rival submissions this Court is of the considered opinion that the Executive Engineer, Superintending Engineer and Chief Engineer (Distribution) may not be having power. But the Chairman of TANGEDCO have power to consider the same. Moreover the Circular may be binding the respondents but it cannot be put against the petitioner for denying the free electricity service connection. The appropriate authority to consider is the Chairman of the TANGEDCO. However, the petitioner has not impleaded the Chairman as one of the party.

7. This Court is suo motu impleading the Chairman cum Managing Director of TANGEDCO as 4th respondent. The petitioner's application shall be considered by the 4th respondent without relying on the circular and pass orders. This Court believes that the Chairman will not dismiss the claim of the petitioner, since the petitioner is waiting for free agriculture service connection which is a scheme granted by the Government of Tamil Nadu to support the agriculturists. The 4th respondent is directed to consider it with magnanimity. The respondents



W.P(MD) No.1411 of 2021

submitted that the petitioner's application is missing. Once a registration number is granted to the petition, the respondents cannot state that the application is missing. The respondents are directed to reconstitute duplicate form and process the same as stated supra.

8. With the above said observation, the writ petition is allowed. No costs.

22.09.2023

Index:Yes/No
Internet:Yes/No
tmg



W.P(MD) No.1411 of 2021

WEB COPY

To

- 1.The Superintending Engineer,
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Covai Road,
Karur, Karur District.
- 2.The Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Covai Road,
Karur, Karur District.
- 3.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO), Sukkaliyur Post,
Karur District.
- 4.The Chairman cum Managing Director,
Tamil Nadu Generation of Electricity and
Distribution Corporation Limited,
(TANGEDCO),
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002.



WEB COPY



W.P(MD) No.1411 of 2021

S. SRIMATHY, J.,

tmg

W.P(MD) No. 1411 of 2021

22.09.2023