



W.P.(MD) No.1842 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1842 of 2020

K.Ramasamy

.. Petitioner

Vs.

1.The Chief Engineer,
TANGEDCO,
No.144, Anna Salai,
Chennai-600 002.

2.The Superintendent Engineer,
TANGEDCO,
Dindigul District.

3.The Executive Engineer,
TANGEDCO,
Ottanchathiram,
Dindigul District.

4.The Assistant Engineer,
TANGEDCO,
Ottanchathiram,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus to call for the



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records pertaining to the order dated 08.10.2018 passed by the third respondent vide proceeding in Ka.No.Se.Po/Pa/Osam. Tho.Nu. Oo/Ko.Katt/Aa.No.3006/18 and quash the same as illegal and consequently direct the respondents to provide free current to the petitioner's agricultural land situated at Ambilikkai Village, Ottanchathiram Taluk, Dindigul District comprised in Old Sr.No.478/2B, New Sr.No.478/2B2 in pursuance to the registration No. 51/94-95/26.07.1994 in accordance with law within a stipulated time period that may be prescribed by this Court.

For Petitioner : Mr.R.Venkateshwaran

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner, being aggrieved by the impugned order passed by the third respondent in his proceedings bearing Ka.No.Se.Po/Pa/Osam. Tho.Nu.Oo/Ko.Katt/Aa.No.3006/18, dated 08.10.2018, is before this Court two years later seeking to quash the said order and consequently, direct the respondents to provide the petitioner with free electricity connection for his agricultural lands situate in Ambilikkai Village, Ottanchathiram Taluk, Dindigul District comprised in Old Sr.No.478/2B,



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New Sr.No.478/2B2 which connection was provided to his father in Registration No.51/94-95/26.07.1994.

2. It is the case of the petitioner that his father Karuppanan had possessed some agricultural lands one of which is situate in the abovesaid survey number and village. Besides the petitioner, Karuppanan had two other sons. The lands in question are ancestral properties. The petitioner's father had mutated all the revenue records in his name and was undertaking agricultural activities in the said land. The Government of Tamil Nadu had introduced a new scheme for providing free current for agricultural purpose and as per the guidelines, the petitioner's father was eligible for the scheme. Therefore, on 26.07.1994, his father had applied for the said scheme, as he was carrying on agricultural activities. The petitioner would submit that though the third respondent had registered the application, the petitioner's father was not provided with the free service connection and when he had approached the third respondent, he was informed that the same would be given on seniority basis. Ultimately, the petitioner's father passed away on



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24.03.2016 due to old age. On his death, the patta was transferred in the name of the petitioner and his brothers. Though it was a joint pata, the petitioner's brothers had given their no objection for the petitioner getting free current connection in his name.

3. Once again, it is the case of the petitioner that he has been approaching the third and fourth respondents in person, but however, to no avail. Thereafter, he had sent a detailed representation on 19.09.2018 enclosing the relevant documents. After receipt of this representation, he was telephonically informed by the third respondent that his father had not registered his name in the preparation list. The petitioner had explained that this intimation was never received by his father. However, the petitioner was informed that the impugned order had been passed on 08.10.2018. He also came to learn that his brother one Veerasamy had filed W.P.(MD) No.22031 of 2019 for obtaining free electricity connection for his share of the property and the same has been ordered on 17.12.2019 and therefore, the petitioner is entitled to a similar relief.



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4. The learned Standing Counsel for the respondents would submit that the impugned order has been passed in the year 2018, since the petitioner's father who had submitted his application had not come forward to avail the benefit. Further, the fact that the petitioner's brother has got an order in his favour would also disentitle the petitioner to get the same.

5. Heard the learned counsel on either side.

6. Even as per the case of the petitioner, the petitioner's father had made an application for free electricity service connection in the year 1994, i.e., on 26.07.1994. Thereafter, there appears to be no steps taken by the petitioner's father from 1994 till the date of his death in 2016 to avail the service connection. Two years after the demise of the petitioner's father and nearly 24 years after the original application, the petitioner is attempting to stake a claim on the basis of the application submitted in the year 1994. The petitioner having slept over his right is now seeking transfer of the free current consumption in his favour. The



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petitioner's father has not deemed it fit during his life time to approach the Court to have his registration processed and the electricity connection given to him. Therefore, in the light of the huge delay, I see no reason to allow the writ petition seeking mandamus to the respondents. Accordingly, this Writ Petition is dismissed. However, dismissal of the writ petition does not preclude the petitioner from making a fresh application to the respondents for free electricity connection. On an application being made, the respondents shall consider the same, taking note of the fact that though the petitioner's father had earlier got the order for free supply of electricity connection, he had not availed the facility. No costs.

24.03.2023

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

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P.T.ASHA, J.

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