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W.P.(MD)NO.2191 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2191 of 2021

S.Angamuthu

... Petitioner

Vs.

1. The Assistant Engineer,
Operation and Maintenance,
ThiruvaniKovil, TNEB,
Tiruchirappalli.

2. O.A.A.Anandha Padmanabhan,
S/o.Adaikkappa Chettiar,
Seethalakshmi Women College Trustee,
Pallathur, Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order/communication of the 1st respondent in his Ka.No.U.Mi.Po/I.Ka/Thi.Kovil/Ko.Kattu/A.no.44/20 dt 21.4.2020 and quash the same and consequently directing the 1st respondent to provide electricity connectoin for agricultural purpose to the petitioner based on his application dated 19.03.2020 within the time frame as fixed by this Court.



For Petitioner : Mr.S.Sarvagan Prabhu

For R-1 : Mr.K.Nagarajan,
Standing Counsel.

For R-2 : Mr.V.R.Shanmuganathan,
for Mr.A.L.Kannan.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The writ petitioner is an occupant of the petition mentioned agricultural lands as a cultivating tenant. His name has been duly entered into in the Record of tenancies vide proceedings dated 25.09.2019 on the file of the Tahsildar, Srirangam. The petitioner seeks provision of electricity service connection for carrying out his agricultural operations. The petitioner's request has been rejected by the first respondent primarily on the ground that the agricultural service



connections can be granted only in the name of the land owner. This stand of the first respondent is assailed in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to set aside the impugned order and to grant the relief as prayed for.

4. The learned Standing counsel as well as the learned counsel appearing for the landlord submitted that the impugned order does not call for any interference.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is true that the provisions of the Tamil Nadu Electricity Distribution Code validate the stand taken in the impugned communication. However, the electricity is a fundamental amenity. Even if there is a dispute between the landlord and the tenant in respect of the residential premises



and the landlord declined to give his consent, electricity service connection is given after taking indemnity bond from the tenant. There is no reason for not adopting the very same stand in the case of agricultural connection. Admittedly, the petitioner is a cultivating tenant. He is very much in possession of the petition mentioned agricultural lands. Since the policy of the Government is to encourage the farmers, free electricity service connection is given. Merely because the petitioner is a cultivating tenant and not a landlord, a different yardstick cannot be applied. The TANGEDCO can very well adopt the same approach towards the cultivating tenant.

7. In this view of the matter, the order impugned in this writ petition is set aside. However, I cannot direct the first respondent to provide electricity service connection in favour of the petitioner immediately. There are certain formalities to be observed. The petitioner will have to wait for his turn. The only relaxation I can give is that even though the petitioner is a cultivating tenant, since his possession over the lands in question is not in dispute, the petitioner is eligible to apply for the electricity service connection in his own name. It is for the



first respondent to adhere to the other norms and formalities.

This writ petition stands allowed on these terms. No costs.

25.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

The Assistant Engineer,
Operation and Maintenance,
Thiruvananthapuram, TNEB,
Tiruchirappalli.



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G.R.SWAMINATHAN,J.

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