



W.P.(MD).No.3282 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3282 of 2021

Vasantha

... Petitioner

Vs.

1.The Executive Engineer,
Generation and Maintenance,
TANGEDCO, Aranthangi,
Pudukkottai District.

2.The Assistant Executive Engineer,
Generation and Maintenance,
TANGEDCO, Aranthangi,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to provide an Electricity Connection to the petitioner's agricultural land in Survey No.178/7 situated at the Mangadu Village, Alangudi Taluk, Pudukkottai District as per the sanctioned order in K.No.Se.Po/E.Ka/Aranthai/They.Nu.U/Go.V.V./A.No.2711/10 dated 02.11.2010.



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For Petitioner : Mr.M.Ramu

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the first respondent to provide Electricity Connection to the petitioner's agricultural land situated in Survey No.178/7 situated at the Mangadu Village, Alangudi Taluk, Pudukkottai District as per the sanctioned order dated 02.11.2010.

2. The petitioner is a poor agriculturalist, living with her husband and children. She is having punjai land in Survey No.178/7 to an extent of 13 Ares. The petitioner's husband is also owning Nanja and Punja lands to an extent of 91 Ares. In order to get electricity service connection, the petitioner had submitted application and the same was registered in Application No.640 dated 15.03.1999 for getting 7.5 HP free electricity connection. Due to poverty, the petitioner's husband and herself went to other State for labour work on contract basis. Subsequently, the petitioner returned back to her native Village and approached the respondents to know the status of her application. In the year 2016, the first respondent had informed that the application was considered and



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an intimation was issued to report readiness for providing electricity connection. The intimation letter was already sent to the petitioner's house. However, the petitioner searched the sanctioned order in her place of resident, but no such letter was available. Immediately, the petitioner submitted a representation dated 10.11.2016 to consider the petitioner's grievance and provide electricity connection. In the meantime, due to Gaja cyclone, the petitioner and her family were facing difficulties. Again, the petitioner searched for the sanctioned order dated 02.11.2010 and it was found out. Thereafter, she rushed to the respondents on 07.12.2020, but the respondents refused to consider, because there was delay in complying the conditions stated in the sanctioned order. The contention of the petitioner is that since they went to other States for employment, the children who have received sanctioned order had not informed the same. Moreover, the letter was misplaced, after diligent search the letter was found out. Hence, the petitioner was not able to avail the benefit of the letter dated 02.11.2010. Since the same was refused, the petitioner is before this Court.

3. The respondents submitted that the sanctioned letter dated 02.11.2010 was issued with a specific condition that the petitioner should submit the



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relevant documents within 20.11.2010. It was also mentioned in the letter that after getting permission, the petitioner should install the motor pump set and report the readiness within 03.12.2010. If the petitioner fails to report within 03.12.2010, further 30 days will be granted on submitting an application. Even after granting such extension, if the petitioner fails to report readiness, then the petitioner will not be granted free electricity connection under the scheme. Since the petitioner did not report within 03.12.2010 and also had not submitted any application seeking extension of time and the petitioner's application has lapsed. Therefore, the petitioner is not entitled to be considered and the respondents prayed to dismiss this Writ Petition.

4. Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel for the respondents.

5. After perusing the records and after hearing the rival submissions, it is seen that the petitioner and her husband due to her financial difficulties had migrated to some other State for employment and was not aware of the sanction letter. Subsequently, the petitioner approached the respondents but due to Gaja cyclone, the petitioner could not process the sanction letter. Moreover, the



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petitioner could not locate the letter and after due search, the petitioner could locate the readiness letter subsequently. The contention of the respondents is that since the petitioner had not availed the scheme within 90 days from the date of the letter and further 30 days concession was also not availed, hence the scheme has lapsed, the petitioner's application has lapsed long back and the same cannot be considered at this point of time.

6. This Court is not able to accept the contention of the respondents. The petitioner has registered under the scheme in the year 1999 with a fond hope that free electricity service connection will be granted to the petitioner, so that the land could be used for cultivation. After lapse of 11 years, the electricity connection was granted to the petitioner's land. In the meanwhile, since there was no water, the petitioner in order to eke out the livelihood had migrated to other States. The scheme is a beneficial scheme and strict approach is not advisable. According to the respondents the authority who was conferred with the power to consider application, is not having power to condone the huge delay.



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WEB COPY 7. Therefore, this Court is directing the respondents to restore the petitioner's seniority list in free electricity connection register within a period of two (2) weeks from the date of receipt of a copy of the order. The petitioner shall install the motor and pump set and report the same within a period of two (2) months from the date of receipt of a copy of this order. Thereafter, the respondents shall grant electricity connection within a period of two (2) months therefrom.

8. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.

26.07.2023

Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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