



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.11.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.4111 of 2022 AND**

**W.M.P.(MD)No.3536 of 2022**

V.Karuppiah

... Petitioner

Vs.

1. The Chairman & Managing Director,  
TANGEDCO,  
Anna Salai, Chennai.

2. The Superintending Engineer,  
TANGEDCO, Sivagangai District.

3. The Executive Engineer,  
TANGEDCO, Sivagangai.

4. The Assistant Executive Engineer,  
TANGEDCO, Kalayarkovil,  
Sivagangai District.

5. The Electrical Engineer,  
TANGEDCO, Nattarasankottai,  
Sivagangai District.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the fifth respondent in K.No.Vu.Mi.Po/Pagir/Na.Kot/Ko.Viva/A.No.156/22 dated 17.02.2022 and consequential impugned order of the third respondent in K.No.Se.Po/Pa/Siva/Tho.Nu.Vu/



Ko.Thu.Vu.Sa/A.N.110/2022 dated 22.02.2022 quash the same and consequently directing the respondents herein to forthwith provide free agricultural electricity service connection to the petitioner's agricultural land in survey No.310/2C Siru Chengulipatti Village, Kalayarkovil Taluk, Sivagangai District, in respect of the application dated 31.12.2010 vide Regn. No.105/10-11 as per sanction order dated 28.12.2021 and refunding the sum of Rs.2,50,000/- paid under the "Tatkal Scheme"..

For Petitioner : Mr.V.S.Kumaraguru

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

\* \* \*

### **ORDER**

Heard both sides.

2. The writ petitioner is an agriculturist. He is owning lands in Chengulipatti Village in Kalayarkovil Taluk. He applied for free agricultural electricity service connection in the year 2010 itself. His application was duly registered. Since even after ten years he could not get connection, the petitioner applied to the respondents under Tatkal scheme. The petitioner's application under Tatkal scheme was registered on 28.10.2020. The petitioner deposited a sum of Rs.2 ½ Lakhs. While so, the petitioner's turn as per seniority



arrived in December 2021. The petitioner was also called upon to signify his readiness and willingness. When the petitioner approached the respondents thereafter, he was informed that since the petitioner's application had been registered under Tatkal scheme, his application under the regular scheme would not be considered further. The petitioner called upon the respondents to refund the amount of Rs.2 ½ Lakhs paid by him, since his original turn had already arrived. The petitioner's request was rejected vide communication dated 22.02.2022. In these circumstances, the present writ petition came to be filed.

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

4. He pointed out that the persons who had given application along with him in the year 2010 had been granted free electricity service connection and that therefore, the petitioner ought not to be discriminated.

5. The respondents have filed counter affidavit and also typed set of papers. The learned Standing counsel took me



through their contents. The stand of the respondents is that there is no scope for refund of the amount paid under Tatkal scheme. They pressed for dismissal of the writ petition.

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

7. It is true that the petitioner had applied for grant of free electricity service connection way back in the year 2010. Since for over a decade the petitioner did not get any service connection, he applied under Tatkal scheme by depositing a sum of Rs.2½ Lakhs. It is true that the petitioner's Tatkal application was sanctioned. I fail to understand as to why the original application of the petitioner was not closed. Be that as it may, the fact remains that on 28.12.2021 readiness notice was issued to the petitioner herein. The learned Standing counsel on instructions categorically stated that mere issuance of readiness notice would not by itself guarantee the immediate provision of service connection. In fact the authorities have their own priorities. TANGEDCO had issued memo No.CE/Plg&RC/SE/RE&I(D)/EE/RE/A1/F.Target/D. 191/22 dated 11.03.2012 in this regard. It reads as follows:-



TANGEDCO

O/o Director Distribution,  
Chennai - 600002.

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Memo No: CE/Pl&amp;RC/SE/RE&amp;I(D)/EE/RE/A1/F.Target/D. 191/22.Dt. 11.03.2022

Sub: TANGEDCO - Agriculture target for year 2021-22 - Achievement of  
Target - Instruction Issued.

- Ref: 1) Lr.No.SE/RE&I(D)/EE/RE/A1/F.Agr/D.456/21, Dt-15.09.2021.  
 2) Lr.No.SE/RE&I(D)/EE/RE/A1/F.Agr/D.457/21, Dt-16.09.21  
 3) Lr.No.SE/RE&I(D)/EE/RE/A1/F.Target/D.635/21, Dt-09.12.2021.  
 4) CE/D/Madurai Lr. No CE/D/MDU/EE(E)/AEE1/F.Agr Target/D.No.99  
 5) CMD / TANGEDCO / ~~change name~~ approval dt Dt.28.02.22  
 11/03.22.

In the ref letter cited in ref (3) above, instructions have been issued to the field to follow separate priority at section level in respect of Mere, Minor and Major categories.

In continuation to the above instruction, the following instructions are issued:

Under Minor category of Agriculture service connection extension works, the following separate section level priority shall be followed in addition to the instructions already communicated vide ref (3):

**Under Minor category: ( In the order of priority of poles)**

- |                   |   |                                         |
|-------------------|---|-----------------------------------------|
| 1 pole extension  | - | 1 <sup>st</sup> priority                |
| 2 poles extension | - | 2 <sup>nd</sup> priority                |
| 3 poles extension | - | 3 <sup>rd</sup> priority                |
| 4 poles extension | - | 4 <sup>th</sup> priority                |
| 5 poles extension | - | 5 <sup>th</sup> priority and so on..... |

The above categorization is to be followed only up to 31.03.2022.

The receipt of this memo shall be acknowledged.

*U. S. S. S. S.*  
Director (Distribution)

To  
All Chief Engineers/Distribution/Regd.

Copy to SEs/EDC  
 Copy to APO/Tamil Development Section  
 Copy to CFC/General, CFC/Revenue, CFC/Regulatory Cell  
 Copy to CE/JT



8. According to the respondents, to provide service connection to the petitioner, six poles will have to be laid to extend the service connection from the existing point. In normal circumstances, for instance one Kaliasmai, W/o.Thangaiya who belongs to the same village applied for regular service connection way back in the year 2010. She has not been granted free service connection even as on date. It is true that one Manickam who applied along with the petitioner in the year 2010 had been granted service connection. But then, Manickam's land is located near the petitioner's land. Because of the interim order passed by this Court, the petitioner was given service connection under Tatkal scheme by laying six poles. For giving further connection to Manickam, only one pole needed to be laid. Thus those who had lands near the petitioner were benefited. But others who are similarly placed are yet to be given service connection even though they have submitted their application in the year 2010.

9. When this writ petition was taken up for hearing on 08.03.2022, the following order was passed:-



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“ This writ petition has been filed challenging the order dated 22.02.2022 passed by the third respondent rejecting the petitioner's request for refund of the money paid for getting electricity service connection under the Tatkall Scheme. According to the petitioner, he has applied for free electricity service connection in the year 2010. Since there was a delay in getting the same, he had applied for electricity service connection under the Tatkall Scheme on 28.10.2020. He was also granted the same after 1 ½ years.

2.The official respondents have now granted free electricity service connection, based on the petitioner's application submitted in the year 2010. Therefore, he has sought for refund of money paid under the Tatkall Scheme. By the impugned order passed, the third respondent, on 22.02.2022 rejected the petitioner's request for refund on the ground that poles have already been erected only under



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the Tatkal Scheme and wiring work has to be completed.

3.It is the contention of the respondents that once Tatkal Scheme has been updated, the applicant cannot seek for free electricity service connection under the normal scheme. According to him, having applied for free electricity service connection under the Tatkal scheme, the petitioner is not entitled for any refund, which has been paid towards Tatkal Scheme.

4.The learned counsel appearing for the petitioner reiterates the contentions made in the affidavit filed in support of this writ petition and would submit that the petitioner is entitled for refund. The same can be decided in the final disposal of the writ petition. However, the learned counsel appearing for the petitioner seeks for an interim direction from this Court in WMP(MD)No.3538 of 2022 to direct the respondents to receive all the documents from the petitioner as per the sanction order of the



third respondent dated 28.12.2021, test report for completing the ground work for granting free agricultural electricity service connection.

5.No prejudice will be caused to the respondents, if the petitioner's claim for refund of the amount paid to the respondents under the Tatkal Scheme can be decided in the final disposal of the writ petition.

6.This Court, after giving due consideration to the affidavit filed in support of the Writ Miscellaneous petition in WMP(MD) No.3538 of 2022, is inclined to grant the said interim direction, without prejudice to the rights and contentions of the respective parties in the main writ petition.

7.Accordingly, this Court directs the third respondent to receive all the documents from the petitioner, as per the sanction order dated 28.12.2021 and conduct test report for completing ground work for granting free agricultural electricity service connection



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pending disposal of this writ petition.

8.The third respondent is also directed to complete the aforementioned formalities within a period of four (4) weeks from the date of receipt of a copy of this order, subject to the condition that the petitioner completes the wiring work, which is his responsibility. It is made clear that this interim direction is issued without prejudice to the rights and contentions of the respective parties in the main writ petition. Accordingly, WMP(MD) No.3538 of 2022 is allowed as prayed for.

9.Mr.S.Deenadhayalan, learned Standing Counsel, accepts notice on behalf of all the respondents.

10.Post the matter for counter in the main writ petition on 11.04.2022.”

10. I am satisfied only because the petitioner applied under Tatkal scheme, he got electricity service connection in March 2022. This Court also should not encourage parties



seeking to ride two horses. If a person applies under the regular scheme, he will have to wait till his turn comes.

Having applied under the Tatkal scheme, the petitioner cannot be now allowed to go back. I do not find any ground to interfere. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**16.11.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**G.R.SWAMINATHAN,J.**

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