



W.P(MD)No.18441 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18441 of 2022

and

W.M.P.(MD)No.13447 of 2022

Thangaiah

... Petitioner

Vs.

1.The Executive Engineer,
Distribution/TANGEDCO,
Sathankulam,
Thoothukudi District.

2.The Junior Engineer,
Distribution/TANGEDCO
Sathankulam,
Thoothukudi District.

3.The Assistant Executive Engineer,
Distribution/TANGEDCO,
Sathankulam,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings Ka.No.Ee.Ni.Po/Vi/Ki/Sa.Kulam/Ko.Kattu/A.No. 343/2022 dated 26.07.2022 quash the same as illegal and consequently direct the respondent to give back an amount of Rs.2,50,000/- paid by the petitioner or give electricity connection to another field of petitioner situated at 461/1 of Pudukulam



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Village, Sathankulam, Thoothukudi District by converting the fees of Rs.2,50,000/- paid by the petitioner to the present connection.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.S.Deenadhayalan

ORDER

Heard both sides.

2. The petitioner applied for electricity service connection under Tatkal Scheme. He remitted a sum of Rs.2,50,000/-. This was on 31.08.2020. Since the petitioner faced objections from the adjacent land owners, he applied to the first respondent for refund of the amount paid by him under the scheme. In the alternative, the petitioner wanted TANGEDCO to provide service connection for the land standing in the name of the petitioner's son in the nearby village. The second respondent made it clear that if the petitioner could not indicate the convenient route for laying poles and lines, the amount paid by the petitioner will be forfeited. Challenging the said stand, the writ petition came to be filed.

3. The respondents have filed counter affidavit and the learned standing counsel took me through its contents. According to the respondents, they cannot be blamed. It is the petitioner who is obliged to indicate an unobjectionable route for laying the poles and drawing the lines. If the petitioner is unable to indicate such route, the amount paid by the petitioner



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would stand forfeited and that there is no provision in the scheme for refund.

The standing counsel pressed for dismissal of the writ petition.

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

5. Reliance is placed by the learned standing counsel on the memo No.D(D)/CE/Pl&RC/SE/RE&ID/EE/RE/A1/F.Target21-22/D605/21, dated 27.11.2021 issued by the Director (Distribution). It reads as follows:-

Chief Engineers/D/Region are requesting clarification on the refund of payment made under TATKAL self financing scheme stating various reasons for withdrawal by the applicants.

In this regard it is informed that refund of amount under TATKAL self financing scheme is not feasible of compliance.

Further, while receiving the willingness and scheme cost from the applicant, necessary undertaking shall be obtained from him/her duly stated that he/she would not claim the amount paid under TATKAL scheme.

6. In this case, a sum of Rs.2,50,000/- was paid by the petitioner on 28.09.2020. Therefore, the memo issued in November 2021 cannot operate to the prejudice of the petitioner. My attention has not been drawn to any provision under the Tatkal Scheme which to the effect that there is no scope for refund of the amount. At the same time, I would have upheld the stand of the respondents if they had carried out any activity pursuant to the application made by the petitioner. In this case, nothing has happened. There was only



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some paper work. The application under Tatkal Scheme was registered and formal sanction was accorded. The respondents have not done anything else.

In this case, the petitioner has given an alternative proposal. Since there are objection for getting electricity service connection for Survey No.439/3, the petitioner is willing to substitute the same with Survey No.119/3 in Pudukulam Village. The said land is in the name of the petitioner's son Selva Kumar. The petitioner's son Selva Kumar is permitted to give an application under Tatkal Scheme for getting connection for the well in the said survey number. The petitioner's son Selva Kumar need not make any fresh payment of Rs. 2,50,000/-. The amount already paid by the petitioner can be adjusted for his son's application. Upon receipt thereof, it shall be registered immediately and service connection under Tatkal scheme shall be given as expeditiously as possible.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2023

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

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