



W.P. (MD).No.19723 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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1. Vallikkannu

*2. Muthuvalli

*3. Ganthimathi

*4. Pothumani

*5. Sathya

*(*Petitioners 2 to 5 substituted as party petitioners
as per order made in WMP(MD)No.1295 of 2022,
dated 15.11.2023)*

... Petitioners

Vs

1. The Superintending Engineer,
TANGEDCO, Trichy District.

2. The Assistant Electrical Engineer,
Operation and Maintenance,
TANGEDCO, Balakurichi, Trichy District.

3. The Tahsildar,
Marungapuri Taluk, Trichy District.



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*4. The Executive Engineer,
Manapparai, Trichy District.

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*(*R4 suo-motu impleaded as per order of this Court,
dated 15.11.2023)*

... Respondents

***Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioners application, dated 17.05.2007 to give agricultural free electricity service connection to her in respect of the agricultural land measuring to an extent of 0.14.0 Hectare comprised in Survey No. 367/1 situated at Kalingapatti Village, Marunapuri tk, Trichy Dt in the light of Clause 27(4) of the Tamil Nadu Electricity Distribution Code without insisting no objection certificate from the 3rd respondent and further directing the 3rd respondent to re-classify the land measuring to an extent of 0.14.0 Hectare comprised in Survey No.367/1 situated at Kalingapatti Village, Marunapuri Taluk, Trichy District and incorporate the petitioners name in the place of Tharisu in his revenue records in W.P(MD)No.19723 of 2021 on the file of this Court.

**Prayer amended as per order of this Court in WMP(MD)No.17166 of
2023, dated 15.11.2023.*

For Petitioners : Mr. T. Lenin Kumar

For Respondents : Mr.B.Saravanan (R3)
Additional Government Pleader

Mr.S.Deenadhayalan (R1, R2, R4)
Standing Counsel



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ORDER

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The Executive Engineer, Manapparai, Trichi District is *suo-motu* impleaded as fourth respondent in the writ petition. Registry is directed to make necessary amendment in the cause title.

2.This writ petition has been filed for the issue of a writ of mandamus, directing the third respondent to consider the application submitted by the petitioner on 17.05.2007, wherein, the petitioner has sought for giving agricultural free electricity service connection for the agricultural land, in the light of Clause 27(4) of the Tamil Nadu Electricity Distribution Code.

3.When the writ petition came up for hearing on 12.11.2021, this Court has passed the following order:

“Mr.S.Shanmugavel, learned Additional Government Pleader, states that the land in question has been classified as Tharisu lands in the revenue records. The petitioner may therefore, if so advised, file necessary application with respect to that particular classification and re-classification of the same or representation regarding the same.

2. Mrs.M.Rajeswari, learned Standing Counsel who takes notice for respondents 1 and 2 states that a further application has



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to be given by the petitioner to the second respondent, producing the relevant records relating to title of the lands. That will depend upon the third respondent, giving a No Objection Certificate for which the earlier part of this order is required as a direction to be issued to the third respondent. Necessary application in this regard to be filed by the learned counsel for the petitioner.

3. The first and second respondents may file the instructions forwarded to the learned counsel in writing to this Court.

4. Call the matter once again on 02.12.2021”

4. During the pendency of this writ petition, the petitioner died and his legal heirs were substituted by this Court.

5. The learned Standing Counsel appearing on behalf of the first, second and fourth respondents submitted that the legal heirs of the deceased petitioner can be directed to seek for the extension of time under Regulation 27(2)(e) of the Tamil Nadu Electricity Distribution Code and the same will be considered by the newly impleaded fourth respondent.

6. The learned Standing Counsel further submitted that in the meantime, the legal heirs of the deceased petitioner can also seek for No



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Objection Certificate from the third respondent.

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7.The learned counsel for the petitioners submitted that already an application has been given to the third respondent seeking for No Objection Certificate and the same is pending.

8.In the light of the above submissions, there shall be a direction to the third respondent to deal with the representation made by the petitioners on 07.07.2021, wherein, the petitioners have sought for No Objection Certificate and the third respondent is directed to act upon the same, within a period of eight weeks from the date of receipt of copy of this order. In the meantime, the petitioners shall make appropriate application before the newly impleaded fourth respondent, seeking for extension of time. The same shall be acted upon by the fourth respondent, within a period of six weeks from the date of receipt of the representation/application from the petitioners. Ultimately, the newly impleaded fourth respondent is directed to deal with the request made by the petitioners, seeking for free electricity service connection within a period of three months thereafter.



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9.This writ petition is disposed of with the above directions.

No costs.

15.11.2023

NCC : Yes/No

Internet: Yes/No

Index : Yes/No

Note: ***Registry is directed to make necessary amendment before issuing order copy.***

PNM

To

1. The Superintending Engineer,
TANGEDCO, Trichy District.
2. The Assistant Electrical Engineer,
Operation and Maintenance,
TANGEDCO, Balakurichi, Trichy District.
3. The Tahsildar,
Marungapuri Taluk, Trichy District.
4. The Executive Engineer,
Manapparai, Trichy District.



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.19723 of 2021**

15.11.2023