



W.P.(MD)No.3547 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3547 of 2015

and

W.M.P(MD)No.3159 of 2017

Priya

... Petitioner

Vs.

1.The Superintendent Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Sivagangai.

2.The Executive Engineer, (Distribution),
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Sivagangai.

3.The Assistant Engineer (Rural),
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Sivagangai.

4.V.Krishnan
*(R.4 is suo motu impleaded vide
order of this Court dated 27.01.2021)*

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to shift the service connection to vembathur village survey No.35/1 in accordance with the law.

For Petitioner : Ms.G.Dhanalakshmi

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for TANGEDCO.

2. The writ petitioner purchased the petition mentioned land in Survey No.35/1, Vembathur Village from one Krishnan and others vide sale deed dated 17.06.2008 (Document No.1188/2008).

3. The petitioner's vendor had applied for free electricity service connection way back in the year 1997. The turn came only in the year 2015. Readiness letter was issued by TANGEDCO to Krishnan. The stand of the petitioner is that since in the meanwhile the land had changed hands, the application should be name transferred in favour of



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the petitioner and considered. Since this request was not accepted, the present writ petition came to be filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit and called upon this Court to grant relief as prayed for.

5. The learned Standing Counsel on the other hand submitted that Krishnan was already enjoying the free electricity service connection. He called upon TANGEDCO to consider his request for another connection in respect of another land. Therefore, the application given by Krishnan in respect of Survey No.35/1 was treated as an application in respect of another land according to the respondents. Therefore, the petitioner's request was rightly negatived.

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

7. When the petitioner's vendor submitted an application in respect of Survey No.35/1, the question of treating the said application for some other land could not have arisen at all. If that be so, TANGEDCO would



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not have issued a readiness letter in the year 2015 in the name of Krishnan. Since the application was very much alive, such communication came to be issued by TANGEDCO. Such applications run with the land. Just as certain liabilities and burdens run with the land, certain rights also can run with the land. When the petitioner is the owner of Survey No.35/1 in the year 2015, the application should have been considered as if the petitioner had submitted the application. The stand of the respondents is therefore not correct.

8. The respondents are directed to grant free electricity service connection in favour of the petitioner immediately and without any delay subject to fulfilment of the other usual formalities.

9. At this stage, the learned Standing Counsel submits that as and when the next announcing is made, the petitioner will be granted electricity connection. I am not able to accept this stand of the respondents. The petitioner has enclosed copy of the sanction letter issued way back on 17.03.2010. At least in the year 2015, the petitioner should have been given. Granting facility has been delayed by more than 8 years. Therefore, the issue cannot brook any further delay.



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10. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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- 2.The Executive Engineer, (Distribution),
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G.R.SWAMINATHAN,J.

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