



WP (MD) No. 4350 of 2016

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

**DATED: 06.10.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.4350 of 2016**

Chidambaram

... Petitioner

Vs

1.The Executive Engineer,  
TANGEDO CO (Distribution),  
Thirumayam,  
Pudukottai District.

2.The Assistant Executive Engineer,  
TANGEDCO (Distribution),  
Thirumayam,  
Pudukottai District.

3.The Assistant Engineer,  
TANGEDCO (Distribution),  
RC.Puram,  
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus to call for the records pertaining to the impugned order of the 1<sup>st</sup> respondent in his proceedings dated 15.02.2016 made in () and quash the same as illegal, consequently to direct the respondents to provide free electricity connection in Registration No.129, dated 20.02.1996 to the petitioner for using 5 HP pump set in S.No.351/2 situated at Oonaiyur Village,



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Thirumayam Taluk by accepting the Form-2 application form for agriculture service connection along with relevant document from him.

For petitioner : Mr.D.Venkatesh

For Respondent : Mr.S.Deenadhayalan,  
No.1 Standing Counsel

### **ORDER**

The petitioner's grand father one C.T.Swamynathan has applied for free electricity service connection to his agricultural field in the year 1996. The application of this petitioner dated 20.02.1996 was considered by the department on 28.10.2010. In the mean time the applicant died. Therefore, the communication sent by the respondent Board was returned with an endorsement that the 'addressee died'. Thereafter the department has also waited for 90 days and also extended the period for years till 26.01.2010 and passed the order 27.01.2016 cancelling the allotment of service connection granted in favour of the petitioner's grand father on 15.02.2010.

2.The learned Counsel for the petitioner submits that the petitioner and the legal heirs were not informed about the allotment of the service connection.



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However, the communication sent by the respondent Board was returned that the Addressee died. The petitioner was also not aware of the allotment and thereafter he did not take any steps. However he came to know about the allotment and also approached the respondents in the month of December 2015 and he was directed to produce the necessary documents on or before 26.01.2016. The petitioner has produced the relevant documents on 27.01.2016. Unfortunately by stating that the period of five years was over as on 26.01.2016, the respondents have cancelled the order of allotment made in favour of this petitioner's grand father by order dated 15.02.2016.

3.The learned Counsel further submits that the 26<sup>th</sup> January is the Republic Day, being a public holiday for the entire nation they could not produce the documents and therefore, they have produced the documents on 27.01.2016 and requested the respondents to consider the application for electricity service connection.

4.The learned Standing Counsel appearing for the respondent Board submits that initially sufficient time of 90 days was provided and a extension period of five years were also provided. However, the petitioner has approached the authorities



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only in the month of December 2015 and failed to produce the necessary document and therefore, his application could not be considered. According to the learned Standing Counsel, they cannot extend the period for more than five years as per Section 27 of the Tamil Nadu Electricity Distribution Code.

5. This Court considered the rival submissions and perused the materials placed on record.

6. The application of this petitioner's grand father submitted in the year 1996 was considered only on 28.10.2010. The letter sent by the respondent Department has also been returned with an endorsement that the 'Addressee died'. Thereafter the department did not take any steps to intimate the legal heirs of the allottee and there is no document to that effect produced before this Court. The statutory period provided as per Section 27(2)(e) of the Tamil Nadu Electricity Distribution Code is five years, which reads as follows:

*“27(2)(e) If the applicant or the present owner is not able to furnish the above particulars within the notice period, he may seek extension of time may be granted upto a maximum period of five years from the date of receipt of notice. Even if not request is made by the applicant for extension of time, the Distribution*



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*Licences shall keep the application registered live for a period of five years. On expiry of five years, the application shall be treated as lapsed and cancelled”.*

7.The petitioner claims that they have produced the documents on 27.01.2016, which is one day after the period of five years. Now the petitioner appears to have submitted an application for his agriculture land and the same is pending. In view of the subsequent developments and the electricity service connection is sought for agricultural land, the impugned order is set aside. The 1<sup>st</sup> respondent shall consider the application of this petitioner and effect service connection within a period of six months from the date of receipt of a copy of this order. No costs.

8.Accordingly the writ petition is allowed. No costs.

06.10.2023

Internet: Yes / No

Index : Yes / No

NCC : Yes / No

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To

WEB COPY

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TANGEDO CO (Distribution),  
Thirumayam,  
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**B.PUGALENDHI, J.**

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