



W.P(MD)No.29045 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29045 of 2022

S.Arokiasamy

... Petitioner

Vs.

1.The Superintending Engineer,
Office of the Superintending Engineer,
TANGEDCO,
Sivagangai,
Sivagangai District.

2.The Executive Engineer (Distribution),
TANGEDCO,
Karaikudi,
Sivagangai District.

3.The Assistant Executive Engineer (Distribution),
TANGEDCO,
Devakottai,
Sivagangai District.

4.The Junior Engineer,
TANGEDCO,
Devakottai,
Sivagangai District.

... Respondents



W.P(MD)No.29045 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to provide the free agriculture electricity connection to petitioner's agricultural land situated in S.No.189/1B at Kadambanendal Village, Thidakottai Group, Devakottai Taluk, Sivagangai District based on the petitioner's father seniority in Registration No.074/2005-2006/29.08.2005 within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard both sides.

2.The writ petitioner's father applied for getting free agricultural electricity service connection in the year 2005. He passed away in the year 2009. The petitioner was obviously entitled to step into the shoes of his favour and retain the seniority. Unfortunately, the petitioner appears to have been unaware of the submission of application by his father. He submitted a fresh application in the year 2015. Thereafter, to tide over the urgent situation, he also obtained single phase electricity connection in the year 2017.

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3.The question that arises for consideration is whether the petitioner has lost the right of stepping into his father's shoes because of the subsequent event.

4.I am of the view that the right accrued cannot be taken away. If the petitioner has obtained 3 phase connection for the survey number subsequently then he may have to relinquish his right. But that is not the case. He is having only a single phase connection. I therefore hold that the petitioner is entitled to substitute his name in the application submitted by his father in the year 2005. As and when the next year target is announced, the petitioner will be given preferential treatment and electricity service connection shall be given subject to the fulfilment of the other usual formalities.

5.This writ petition is allowed accordingly. There shall be no order as to costs.

22.11.2023

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

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G.R.SWAMINATHAN, J.

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