



W.P.No.1191 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 20.02.2024

Orders delivered on 05.03.2024

CORAM :

THE HON'BLE Mrs.Justice **J.NISHA BANU**

W.P.No.1191 of 2021

and

W.M.P.No.1341 of 2021

R.Mayakrishnan
S/o Late Ramachandran

.. Petitioner

Vs

1. The Tamil Nadu Electricity Board,
rep. by its Chairman,
10th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

2. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Cuddalore Electricity Distribution Division,
Cuddalore,
Cuddalore District.

3. The Executive Engineer,
Tamil Nadu Electricity Board Operation
and Maintenance, Nellikuppam,
Cuddalore District.

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 29.08.2020 made in Letter No.Se.Po/ E.Pa.Nel/Va.Vu/ Ko.Case/Aa No.188/2020 passed by the 3rd respondent and quash the same, consequently direct the respondents to provide Agricultural Electricity connection to the petitioner's agricultural lands in S.No.508/6 of Sathamampattu, Keelmampattu Revenue Village, Panrutti Taluk, Cuddalore District.

For Petitioner : Mr.K.Balu
For Respondents : Mr.V.Venkataseshaiya
Standing Counsel for TNEB

ORDER

This writ petition has been filed challenging the order of the 3rd respondent dated 29.08.2020, by which, the petitioner's claim for agricultural electricity connection was rejected and to direct the respondents to provide Agricultural Electricity connection to the petitioner's agricultural lands in S.No.508/6 of Sathamampattu, Keelmampattu Revenue Village, Panrutti Taluk, Cuddalore District.



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2. The brief facts of the case of the petitioner is as follows:

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(i) The petitioner is the resident of Sathamampattu Village and having agricultural land in S.No.508/6 of the said village. His father late Ramachandran, son of Sabapathy had applied for electricity connection for the agricultural pumpset to irrigate the lands owned by them in S.No.508/6 and the same was registered by the 1st respondent and assigned the seniority No.34 dated 18.12.1998. On 30.10.2010, the 3rd respondent issued a letter asking the petitioner's father to submit certain documents to the section of TNEB on or before 20.11.2010 and to keep the motor and pump set ready by 03.12.2010 for receiving power connection by the 1st respondent. During that time, the petitioner's father was ill and was undergoing treatment in the hospital and further, the bore well in the agricultural field was not in good condition and the petitioner's father wanted to repair the same and then get power connection from the respondents.

(ii) The petitioner's father handed over all the documents to the respondents. His father also made representation on 17.11.2010 seeking extension of time upto 31.12.2015, however, no acknowledgement was given by the officials of the 3rd respondent for the representation given by the



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petitioner's father. His father was under the impression that his representation had been accepted by the 1st respondent. Thereafter, due to ailment, the petitioner's father died on 23.09.2016.

(iii) The petitioner, being one of the legal heirs, was not aware of the above correspondence till September, 2017. On 17.09.2017, the petitioner sent letter to the respondent requesting to grant power connection to their agricultural land. However, the 1st respondent vide letter dated 20.10.2017 informed the petitioner that the application made by his father in 1998 and assigned seniority No. 34 dated 18.12.1998 had lapsed due to failure on the part of the deceased father to register his readiness to receive the power connection within 5 years and therefore, as per the existing rules of the respondents, no power connection could be given on the application which had been cancelled.

(iv) As the EB connection was rejected by the 3rd respondent vide proceedings dated 20.10.2017, the same was challenged by the petitioner in W.P.No.25924 of 2018 before this Court. This Court, vide order dated 13.10.2018, considered all the aspects and passed an order setting aside the impugned order therein and remitted the matter back to the 3rd respondent to



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consider the claim of the petitioner and pass a fresh order. Again, the 3rd respondent rejected the claim of the petitioner by the present impugned order dated 29.08.2020 stating that the land does not stand in the name of the petitioner's father and further, there was no well or bore well found in the said land.

(v) The petitioner's father owned the agricultural land by way of sale deed registered as Doc.No.549/1998 dated 13.05.1998 on the file of Sub Registrar, Kadampuliyur, and from the date of purchase till date, they are in possession and enjoyment of the same and was also having bore well at the time of making application. Subsequently, due to dry condition of the bore well, the same was closed for the safety of children and they are ready to dig bore well after sanctioning the electricity connection. The same was also stated in the representation sent by the petitioner. However, the 3rd respondent did not consider the same and passed the impugned order. Hence, the present writ petition seeking the aforesaid relief.

3. (i) Learned counsel for the petitioner would submit that the 3rd respondent ought to have given an opportunity before rejection of the



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agricultural EB connection to the petitioner based on his application No.34 dated 18.12.1998. He would further submit that originally, the agricultural land was in the name of the petitioner's father Ramachandran and thereafter, the said property stands in the name of the petitioner. The property owned by the petitioner family vide sale deed dated 13.05.1998 in Doc.No.549 of 1998 on the file of Sub Registrar, Kadampuliyur and they were doing cultivation in the said lands. Due to some family arrangements, a part of the land was transferred to his maternal uncle T.Balakrishnan and thereafter, the same was also again transferred to the petitioner's name. However, the possession is with the petitioner's family and the bore well was in the petitioner's land. The land belongs to the petitioner and the entire revenue records stands in the name of the petitioner and his family members. The impugned order was passed by the 3rd respondent without application of mind and the same is liable to be set aside.

(ii) Learned counsel would further submit that the petitioner's father was not well and he was undergoing treatment during the relevant point of time and further, the bore well in the agricultural field was in a dilapidated condition and hence, his father wanted to repair it and then get power



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connection from the 3rd respondent. His father handed over all the documents required by the 3rd respondent and he also sought for extension of time upto 31.12.2015 for keeping the pump set and bore well ready for receiving power connection. The claim of the petitioner was live till his father's death and thereafter, the petitioner pursued the same with the 3rd respondent. The cancellation was made only on 13.05.2016 and the same was reiterated through order dated 20.10.2017. The family circumstances and the health condition of the petitioner's father were explained to the 3rd respondent vide letter dated 17.09.2017. In spite of the same, without appreciating the facts, the claim of the petitioner was rejected.

(iii) Learned counsel would further submit that the impugned rejection order dated 29.08.2020 is totally against the order passed by this Court in W.P.No.25924 of 2018 dated 13.10.2018. This Court had set aside the earlier rejection order dated 20.10.2017 and remitted the matter back to the 3rd respondent for reconsidering the claim of the petitioner to provide electricity connection. But without considering the same, the claim of the petitioner was again rejected, without application of mind. He would further submit that the reason assigned by the 3rd respondent is totally unsustainable



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and against the rights of the petitioner and hence, the impugned order is liable to be set aside.

4. (i) Per contra, the learned Standing Counsel appearing or the respondent/ Electricity Board would submit that the petitioner's father Ramachandran had registered an application for agriculture service connection on 18.12.1998 in SF.No.508/6 Keemampattu Village for 20 H.P., and that 90 days notice under normal priority to enter readiness was issued on 30.10.2010. The applicant did not report readiness for more than five years and as there was no representation seeking to condone the delay in reporting readiness within five years, the application was cancelled and informed to the applicant on 31.05.2016 when S.Ramachandran was alive. The applicant's son, the petitioner herein/ Mayakrishnan made representation to provide agricultural service connection based on the application made by his father stating that his father died and he also filed W.P.No.25924 of 2018 to consider the claim afresh.

(ii) Learned Standing Counsel would further submit that based on the reference SE/RE&I(D)/EE/RE/F.DOC/D.1529/2009 (Technical branch) dated 22.09.2009, the Chief Engineer/Planning & Resources Centre/Chennai



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has given instructions relating to new agricultural service connection application which reads as follows:

“In case of delay in reporting readiness of agricultural applicants even beyond the extended period of one year, extension of time may be given to the original applicant/ legal heirs as the case may be for entering readiness upto 5 years from the date of expiry of 90 days notice period once the party has attained the normal seniority. However, this should not be applicable to purchaser of the land who purchases the land after expiry of 90 days notice period for entering the readiness.”

(iii) The petitioner's father, Ramachandran had registered an application for agriculture service connection on 18.12.1998 and that the 90 days notice under normal priority to enter readiness was issued on 30.10.2010. On that date, S.Ramachandran is not the owner of that land. He had already sold the land to other person on 22.10.2008 and he died on 23.09.2016. After that, the petitioner has purchased that land in the year 2019 and also there is no bore well. Hence, the petitioner's application was not considered for agriculture service connection. The said fact was also intimated to the petitioner. Therefore, the writ petition is liable to be



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dismissed.

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5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. First of all, the petitioner's father had applied for electricity service connection for agricultural pumpset to irrigate the land owned by him in the year 1998 which was assigned seniority No.34 on 18.12.1998. Thereafter, 90 days notice under normal priority to enter readiness was issued on 30.10.2010. The petitioner's father did not report readiness for more than 5 year and there was no representation seeking to condone the delay in reporting readiness within five years. However, according to the petitioner, his father had given representation to the officials of the 3rd respondent on 17.11.2010 seeking extension of time upto 31.12.2015, but no acknowledgement was given to him.

7. At this juncture, it is pertinent to point out that when 90 days notice to enter readiness was issued on 30.10.2010, the petitioner's father is not the owner of the land in question. He had already sold the land to other person on 22.10.2008 and died on 23.09.2016. Subsequently, in the year



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2019, the petitioner had purchased the said land. Moreover, when the application was cancelled, the petitioner's father was alive and it was informed to him on 31.05.2016. The contention of the petitioner that the property was owned by the petitioner's family vide sale deed dated 13.05.1998 and they were doing cultivation and due to some family arrangements, a part of the land was transferred to his maternal uncle's name and thereafter, again transferred to the petitioner's name and therefore, the petitioner is entitled for electricity connection, cannot be countenanced.

8. As per the instructions given by the Chief Engineer, vide reference dated 22.09.2009, in case of delay in reporting readiness of agricultural applicants even beyond the extended period of one year, extension of time may be given to the original applicant/ legal heirs as the case may be for entering readiness upto 5 years from the date of expiry of 90 days notice period once the party has attained the normal seniority. However, this should not be applicable to purchaser of the land who purchases the land after expiry of 90 days notice period for entering the readiness. In the present case, the petitioner's father sold the land to other person on 22.10.2008 and



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died on 23.09.2016. The petitioner has purchased the land in the year 2019.

The applicant did not report readiness for more than five years and according to the respondents, there was no representation made seeking to condone the delay and there was also no bore well in the land. Considering all these aspects, the 3rd respondent had rejected the claim of the petitioner. Therefore, this Court finds no infirmity or illegality in the order passed by the 3rd respondent dated 29.08.2020.

9. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

Index :Yes/No
Speaking/Non-speaking order
vsi

To

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rep. by its Chairman,
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J.NISHA BANU, J.

vsi

Pre-delivery order in
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