



WEB COPY



W.P.No.3230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3230 of 2023

And

W.M.P.No.30494 of 2024

R.Madheswaran

... Petitioner

Vs.

1.The Superintending Engineer
TANGEDCO
Kallakurichi.

2.The Executive Engineer O & M
TANGEDCO
Kallakurichi.

3.Assistant Electrical Engineer O & M
TANGEDCO
Thottiam,
Kallakurichi.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records leading to the passing of impugned order in Ka.No.Asst., AE/E & Pa/Tho/ Ko.Kattu/ a.No.349/2022 by the third respondent dated 05.03.2020 and quash the same and consequently direct the respondents to grant agricultural free electricity service connection.



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For Petitioner : Mr.A.Arubabu
For Respondents : Mr.Daniel Mary
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records leading to the passing of impugned order in Ka.No.Asst., AE/E & Pa/Tho/ Ko.Kattu/ a.No.349/2022 by the third respondent dated 05.03.2020 and quash the same and consequently direct the respondents to grant agricultural free electricity service connection.

2.The case of the petitioner is that the petitioner the petitioner was allowed the property comprised in S.No.95/4 admeasuring an extent of 85 cents at Thenchettiyanthal Village, Chinna Salem vide partition deed dated 19.04.2010 and the petitioner applied for free electricity power supply connection to the well situated in the said property on 15.07.2010 and since the revenue records stood in the name of the petitioner's Father, he asked his Father to sign the application, however, after a lapse of nearly ten years his request was rejected on the ground that his Father have no right over the subject property and challenging the same, the petitioner has filed this writ petition.



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3.The learned counsel appearing for the petitioner submitted that in order to avoid technical difficulties, the petitioner made application in the name of his Father and the respondents rejecting the said application after a lapse of nearly ten years is not sustainable one and further submitted that if the respondents had rejected the application immediately, the petitioner would have made application in his name.

4.The learned Standing Counsel appearing for the respondent submitted that as per the guidelines and Rules, the person who own the property alone is entitled to make application. In the present case, after partition, the petitioner became the owner of the property, however, made application in his Father's name and hence the impugned order warrants no interference.

5.Admittedly, the person who own the property alone is entitled to make application seeking electricity power supply connection. In the present case, after partition, the petitioner became the owner of the property, however, made application in his Father's name. Hence the impugned order warrants no interference.

6.The writ petition is dismissed. However, liberty is granted to



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the petitioner to make fresh application seeking free electricity power supply connection, within a period of two weeks from the date of receipt of a copy of this order. If any such application is made by the petitioner, the respondents shall consider the same and shall pass appropriate orders as per the seniority. No costs. Consequently, the connected miscellaneous petition is closed.

24.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Superintending Engineer
TANGEDCO
Kallakurichi.
- 2.The Executive Engineer O & M
TANGEDCO
Kallakurichi.
- 3.Assistant Electrical Engineer O & M
TANGEDCO
Thottiam,
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M.DHANDAPANI,J.

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