



W.P.No.17602 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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A.K.Bharathidasan

... Petitioner

Vs.

The Executive Engineer,
Operation and Distribution,
Tamilnadu Generation and Distribution Corporation,
Vandavasi Taluk

... Respondent

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in Ka.No.Che.Po/E.Pa/Va.Va/ Ko.Pugar/A.No.2020 dated 06.11.2020 and to quash the same and consequently direct the respondent to provide free electricity connection for the petitioner's agricultural land in survey No.71/4, at Jennamedu Village, Maruthadu Post, Vandavasi Taluk, Tiruvannamalai District based on the petitioner's predecessor in title seniority.

For Petitioner : M/s.A.S.Neela



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for Mr.P.Paramasiva Doss

For Respondent : M/s.Danial Mary,
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 06.11.2020 passed by the respondent thereby rejected the claim made by the petitioner for providing electricity service connection.

2. The petitioner had purchased a piece of agricultural land admeasuring 2.43 acres comprised in survey Nos.71/1, 71/2, 71/3, 71/4 and 71/5 situated at Jennamedu Village, Marudhadu Post, Vandavasi Taluk by the registered sale deed dated 31.08.2000 registered vide document No.605 of 2000. The said property was purchased by the petitioner from his mother and her brother Poongavanam. Even before the purchase, the petitioner's vendor i.e. the said Poongavanam had applied for electricity service connection for laying borewell with a capacity of 3 HP motor to draw water from the well situated in the land comprised in survey No.71/4A. Immediately after purchase of the said property, the petitioner approached the respondent for electricity service connection.



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He was advised to retain the application submitted by the petitioner's vendor i.e. Poongavanam and also informed that it will be considered as per the seniority. However, the petitioner was not provided with any electricity service connection and even the subsequent applications submitted by other persons were considered and they were provided electricity service connection. Therefore, the petitioner submitted representation to provide electricity service connection for the well dug by the petitioner on 28.09.2020. However, it was rejected by the impugned order dated 06.11.2020 thereby informed that notice was already issued for grant of electricity service connection by calling upon the applicant i.e. petitioner's vendor i.e. Poongavanam to express his readiness for connection on 30.10.2010 itself. It was also informed that on expiry of five years from the date of issuance of the said notice as that readiness was not communicated, application for grant of connection stands rejected. Therefore, now 10 years have been lapsed and as such, the request made by the petitioner was rejected for providing electricity service connection.

3. The respondent filed counter and the learned Standing Counsel appearing for the respondent submitted that letter has been duly



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sent to the said Poongavanam even as early as on 30.10.2010. However, he did not show his readiness and as such, after period of five years, it lapsed. Hence, the request made by the petitioner to provide electricity service connection was rightly rejected by the respondent.

4. Heard, the learned counsel appearing on either side.

5. Admittedly, the petitioner had purchased the above said agriculture property on 31.08.2000. Even before the said purchase, his vendor had applied for electricity service connection in the year 1990 itself for free electricity service connection for agricultural purpose. It is also not disputed by the respondent. While considering his application on seniority, the applicant was informed by the communication dated 30.10.2010 to show his readiness for providing electricity service connection. The said priority is available only for five years and if the applicant fails to inform about his readiness, the application seeking free electricity service connection stands cancelled. On the date of the said communication dated 30.10.2010, the applicant is no more. There is also no record to show that the communication was received by the petitioner.



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Therefore, the petitioner made request on 28.09.2020 to provide electricity service connection and the same was rejected by the order impugned in this writ petition. As such, the application submitted by the petitioner's vendor has to be considered for providing electricity service connection for the above said land which was purchased by the petitioner.

6. In view of the above, the order impugned is liable to be quashed. Accordingly, the impugned order dated 06.11.2020 is quashed. The respondent is directed to treat the application submitted by the petitioner's vendor i.e. Poongavanam seeking electricity service connection for the above said land comprised in survey No.71/4A as in the name of the petitioner and to provide electricity service connection within a period of eight weeks from the date of receipt of copy of this order. It is made clear that the petitioner is directed to comply with other conditions, if any, while providing electricity service connection for the above said land.

7. With the above direction, this writ petition stands allowed. There shall be no order as to costs.



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Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
The Executive Engineer,
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