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W.P.No.26240 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

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

W.P.No.26240 of 2021

K.Palanisamy

...Petitioner

-Vs-

1. The District Collector,
Coimbatore,
Coimbatore District.

2. The District Backward Class Welfare
and Minority Welfare Officer,
Coimbatore,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the order dated 08.11.2021 vide proceedings in Na.Ka.No.2017/2020/ka6 on the file of the second respondent to sanction the subsidy amount of Rs.50,000/- for the agricultural loan availed by the petitioner and to give priority in free agricultural electricity service connection.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.Neethiperumal
Government Advocate



W.P.No.26240 of 2021

ORDER

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This writ petition has been filed challenging the order dated 08.11.2021, passed by the second respondent, thereby rejecting the claim made by the petitioner for subsidy and free agricultural electricity service connection.

2. The petitioner owned agricultural land ad measuring 1.84 acres comprised in survey No.554/1 situated at Semmandampalayam Village, Kothapalayam, Tiruppur district. The second respondent provided loan subsidy and top most priority in the free agricultural electricity service connection for agricultural activities. Accordingly, the petitioner obtained loan to the tune of Rs.1,50,000/- from the empanelled bank of the second respondent viz., Syndicate Bank Avinashi branch, to dig up bore well. Before obtaining loan, the petitioner submitted application with relevant documents to the second respondent on 27.12.2015 for availing such benefits.

3. The petitioner also submitted application for free electricity service connection. As per the scheme, the petitioner is entitled to receive Rs.50,000/- as subsidy to dig up bore well. Insofar as the electricity



W.P.No.26240 of 2021

service connection, since the petitioner belongs to Backward Class community, he should be given top most priority under the free agricultural electricity connection tariff. However, no action was taken as such the petitioner was constrained to approach this Court in W.P.No.24968 of 2017 and this Court directed the respondents to consider the application submitted by the petitioner. However, it was rejected and again the petitioner approached this Court, challenging the rejection order in W.P.No.10389 of 2018. This Court by an order dated 08.10.2020, set aside the rejection order and remitted back to the second respondent for consideration of the application submitted by the petitioner. Once again, the second respondent rejected the claim made by the petitioner on the ground that the petitioner already availed loan for bore well purpose. That apart, the petitioner already granted electricity service connection on payment service. Therefore, the petitioner is not entitled for subsidy and free electricity service connection under the scheme. Hence, the present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials produced before this Court.



W.P.No.26240 of 2021

5. On perusal of the counter affidavit filed by the second respondent, the petitioner requested agricultural loan as he had dug a bore well, for which he obtained loan for a sum of Rs.1,50,000/- from the Syndicate Bank, Avinashi. That apart, the petitioner got electricity service connection for his agricultural activities in terms of paid service. Though the petitioner is entitled for subsidy for the agricultural activities such as to dig up bore well, he already obtained loan and dug up the bore well. The petitioner had applied for electricity service connection for his agricultural activities in terms of free service. Whenever he reaches his seniority, he is entitled for electricity service connection on free tariff scheme to do his agricultural activities.

6. Therefore, the petitioner is entitled for electricity service connection on free tariff. If the petitioner reaches his seniority, he will be provided with free electricity service connection. The petitioner was not provided with free electricity service connection only on the ground that he already obtained electricity service connection on payment tariff.

7. In view of the above discussions, the impugned order cannot be sustained and it is liable to be set aside insofar as the rejection of free



W.P.No.26240 of 2021

electricity service connection. Accordingly the impugned order dated 08.11.2021 passed by the second respondent in Na.Ka.No.2017/2020/ka6, is hereby quashed insofar as the rejection of free electricity service connection. The respondents are directed to recommend the case of the petitioner for free electricity service connection to the concerned authority in the electricity department within a period of two weeks from the date of receipt of a copy of this Order.

8. Accordingly, the Writ Petition stands partly allowed. There shall be no orders as to costs.

26.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

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To

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