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W.P.No.33604 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.33604 of 2024

1.S.Dharmalingam

2. A.Srinivasan

...Petitioners

Vs.

1. The Superintending Engineer
Tamil Nadu Electricity Board,
Kallakurichi,
Kallakurichi District.

2. The Executive Engineer
Tamil Nadu Electricity Board,
Kallakurichi,
Kallakurichi District.

3. The Assistant Executive Engineer
Tamil Nadu Electricity Board,
Chinnasalem,
Kallakurichi District.

4. The Junior-Assistant Engineer
Tamil Nadu Electricity Board,
Kalasamuthiram
Chinnasalem,
Kallakurichi District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide Free



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Electricity connection provided by the Government of Tamilnadu to the irrigation well situated in the 1st petitioner's land comprised in Survey No.32/8 measuring an extent of 0 Acre 54 cents situated at Virabayangaram village, Chinna Salem Taluk, Kallakurichi District by considering the Judgement and Decree made in A.S.No.02 of 2017 dated 27.1.2021 on the file of the Learned Additional Sub court at Kallakurichi and the petitioners' representation dated 1.7.2022.

For Petitioner	: M/s.Saravana Kumar
For Respondents	: Mr.Swami Subramanian Standing Counsel (TNEB)

ORDER

The petitioner herein seeks a direction to respondents to provide free electricity connection in respect of the irrigation well situated in the 1st petitioner's land comprised in Survey No.32/8 measuring an extent of 54 cents at Virabayangaram Village, Chinnasalem Taluk, Kallakurichi District by considering the judgment and decree passed in A.S.No.2 of 2017 on the file of Additional Sub-Court, Kallakurichi and petitioners' representation dated 01.07.2022.

2. It is the case of the petitioners that 1st petitioner's father submitted an application before the respondents on 04.12.1987 seeking free electricity service connection in respect of the Well situated in Survey No.32/8.



Subsequently, the said property was allotted to 2nd petitioner's father. The property in Survey No.32/8 was allotted to the 1st petitioner. It is also stated that the Well in question situated in Survey No.32/8. The petitioner also produced a certificate issued by the Tahsildar stating that the Well is situated in Survey No.32/8.

3. The 1st petitioner approached the respondents seeking processing of the application submitted by his father and the same has not been considered. Hence, he filed a civil suit seeking mandatory injunction against the respondents in O.S.No.263 of 2011 on the file of II Additional District Munsif Court, Kallakurichi. The said suit was decreed as prayed for. Aggrieved by the same, the respondents' department filed an appeal in A.S.No.2 of 2017 on the file of Additional Sub-Court, Kallakurichi. The said first appeal was disposed of with a direction to 1st petitioner to approach the respondents with necessary documents to establish his right over the property in Survey Nos.32/8 and 32/7 and the respondents' department was directed to give electricity service connection within 90 days from the date of application by the 1st petitioner.



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4. The learned counsel for the petitioners submits that petitioners submitted a representation on 01.07.2022 seeking free electricity service connection with necessary documents and the same has not been considered by the respondents. Hence, the petitioners are before this Court.

5. Mr.Swami Subramanian, learned Standing Counsel (TNEB), who takes notice for the respondent, by taking this Court to the judgment and decree passed by the Civil Court in A.S.No.2 of 2017 submits that petitioners should have approached the respondents within 90 days from the date of judgment and having failed to do so, they are not entitled to seek a direction to consider their request.

6. A reading of the judgment passed in A.S.No.2 of 2017 would make it clear that 1st petitioner was directed to approach the respondents with necessary documents to establish his ownership. However, no time limit was fixed by the Court for the 1st petitioner to produce the documents before the authorities. On the other hand, the respondents were directed to consider the representation application within 90 days from the date of representation submitted by the petitioner with documentary evidence. In these



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circumstances, the submission made by the learned Standing Counsel for the respondents is not acceptable to this Court.

7. Without going into the entitlement of the petitioner to get service connection or his ownership over the survey numbers, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioners dated 01.07.2022 and pass final orders on its' own merits within a period of twelve weeks from the date of receipt of copy of this order after affording reasonable opportunity to the petitioners.

8. With the above directions, this writ petition is disposed of. No costs.

18.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Superintending Engineer
Tamil Nadu Electricity Board,
Kallakurichi,
Kallakurichi District.
2. The Executive Engineer
Tamil Nadu Electricity Board,
Kallakurichi,
Kallakurichi District.
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S.SOUNTHAR, J.
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