



W.P.No.3789 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3789 of 2025

Dr.P.Nithya

.. Petitioner

Versus

1. The Assistant Engineer,
TANGEDCO,
Mangalapuram P.O.,
Rasipuram Taluk,
Namakkal District.
2. The Executive Engineer,
TANGEDCO,
Rasipuram,
Namakkal District.
3. The Superintending Engineer,
TANGEDCO,
Namakkal.
4. The Distribution Director,
Anna Salai,
Chennai - 600 002.

.. Respondents



W.P.No.3789 of 2025

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 1st respondent, to transfer the Agricultural Service Connection in S.C.No.529001849 from S.F.No.91/2A to the petitioner's land in S.F.No.91/2A2, Mangalapuram village, Rasipuram taluk, Namakkal district.

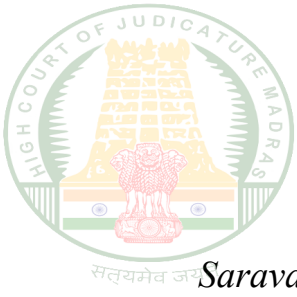
For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mr.S.Kalaiselvan,
Standing Counsel

ORDER

This Writ Petition is filed with a prayer of Mandamus directing the first respondent to transfer the agricultural service connection in S.C.No.529001849 from S.No.91/2A to the petitioner's land in S.F.No.91/2A2.

2. The grievance of the petitioner is that earlier, the petitioner, along with her brothers, were enjoying the property in common. Originally, the land belongs to the family of the petitioner. While so, by a settlement deed, dated 08.06.2023, the petitioner's mother, *Shanthi* and her brothers,



W.P.No.3789 of 2025

WEB COPY

Saravanakumar and *Arivazhagan* settled an extent of 40 cents in respect of the said property to the petitioner. The petitioner continuous to carry out the agricultural activities in respect of the said 40 cents also. There are standing crops and standing trees in the said land. The settlement deed itself clearly mentions that the service connection be transferred to the petitioner. The bore well, for which, the service connection was given, is well within the 40 cents that was given to the petitioner. Therefore, the petitioner submitted an application for shifting the said service connection to the bore well which is situated within the 40 cents which was given to the petitioner.

3. The respondents raised untenable objections as if a Well that is existent, is not within the 40 cents that was given to the petitioner. The connection is only with reference to the bore well and not the Well. Therefore, the petitioner approached this Court.

4. In reply thereof, the learned Standing Counsel for the respondent

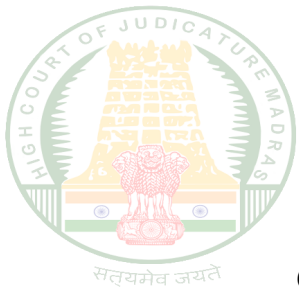


W.P.No.3789 of 2025

WEB COPY

Corporation, would submit that may be their original objections, that are raised, are factually incorrect, but, there is yet another difficulty for the petitioner. He would submit that rules have now been framed vide the order, dated 20.07.2020 which came into force from 01.08.2020. On and from the said date, in order to get a free agricultural connection, the applicant should possess 0.5 acres and since the petitioner possesses only 0.4 acres, she is not eligible for the free service connection. When she is not eligible, there is no question of any transfer of the said connection in her favour.

5. In reply thereof, the learned Counsel for the petitioner, by pointing out the clarification that is issued by the TANGEDCO themselves, dated 16.10.2023, would submit it was clearly mentioned that would apply in respect of the applications registered only after 05.08.2020 and would not apply in the case of the petitioner since this is an existing connection even as on 05.08.2020.



W.P.No.3789 of 2025

WEB COPY

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. It is essential to extract the clarification letter, dated 16.10.2023, more specifically paragraph Nos.2 to 5 , which read as follows:-

"2. In this regard it is clarified as below:

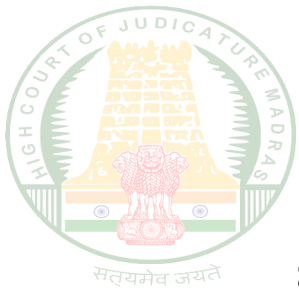
The Distribution Code sub-regulation 29(2)(b) and 29(2)(c) amended vide Tamil Nadu Government Gazette notification dated 05.08.2020 stipulating the eligibility of "the minimum extent of land to be irrigated from each well / bore well shall be 0.5 acre", came into effect only from the date of Gazette notification i.e., from 05.08.2020, but not retrospectively.

3. The criteria of minimum 0.5 acre is not applicable for all the agricultural service connection applications registered prior to the date of 05.08.2020.

4. Therefore the applications registered before 05.08.2020 shall be processed in a routine manner irrespective of extent of land.

5. TANGEDCO is directed to communicate this clarification of the Commission to the distribution field officials upto Section level and intimate to this Commission."

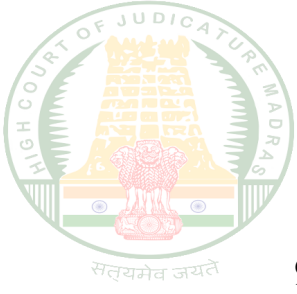
Thus, it can be seen that what is relevant is only the date of registration of the application.



W.P.No.3789 of 2025

WEB COPY

8. It is not the case of the petitioner that the application for transfer is made prior to 05.08.2020. As such, I am unable to accept the contention of the learned Counsel for the petitioner. Whenever any clarification is given or an exemption is given from the rule, the same has to be strictly interpreted as per the terms of exemption and it cannot be enlarged by a Court of law. It cannot be read to mean that it would not apply to all existing service connections. It only means that all existing applications. Therefore, I am of the view that the petitioner cannot take umbrage under the said clarification, dated 16.10.2023. The petitioner, *Dr.P.Nithya*, can very well make an application for a paid service connection if she wants. As and when such an application is made, the respondents shall grant regular connection according to their rules and the refusal to shift this agricultural connection will not come in the way of such connection. Since it is pleaded that standing crops are there, as and when such application is made, the same will be considered expeditiously also.



W.P.No.3789 of 2025

9. With the above observations and directions, this Writ Petition

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stands disposed of. There shall be no order as to costs.

18.02.2025

Neutral Citation : no
grs

To

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W.P.No.3789 of 2025

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W.P.No.3789 of 2025



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W.P.No.3789 of 2025

18.02.2025