



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.749 of 2025

K.Nagaraj

.... Petitioner

.Vs.

1.The Electricity Ombudsman
4th Floor, SIDCO Office Building
Thiru.Ve.ka Industrial Estate
Guindy, Chnnai 600 032.

2.The Chairman
Consumer Grievance Redressal Forum
Udumalapet Electricity Distribution Circle
Udumalapet-642 126
Tiruppur District.

3.The Executive Engineer
TANGEDCO
Udumalapet Electricity Distribution Circle
Udumalapet-642 126
Tiruppur District.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to rejection order dated 23.09.2024 on the file of the 1st respondent confirming the order



of rejection in CGRF/UDT-No.21/2025 dated 20.05.2024 quash the same and direct the respondents to provide agricultural electricity connection to the petitioner's land in S.No.271/1 in Poolavadi Village, Udumalapet Taluk, Tiruppur District.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned rejection order dated 23.9.2024 of the 1st respondent confirming the order of rejection dated 20.5.2024 and for a consequential direction to the respondents to provide free agricultural electricity connection to the petitioner's property.

2.When the writ petition came up for hearing on 20.08.2025, this Court passed the following order:

Heard Mr.S.Doraisamy, learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of respondents.

2.It is not is dispute that the application was originally submitted for free agricultural electricity service connection by the father of the petitioner who is the owner of the property. This



WEB COPY



application was made on 13.07.2009. On 16.11.2021, notice was served by the respondent Board, stating that the seniority has been reached and no readiness has been given by the applicant. Therefore, time was extended to give the readiness. Only later, the respondent Board came to know that the petitioner's father died and he had executed a lease in favour of the petitioner and based on the same, the petitioner had registered himself as a cultivating tenant by virtue of the proceedings of the Tahsildar dated 21.01.2019. This was made aware to the respondent Board when the earlier writ petition was filed by the petitioner in W.P.No.3171 of 2021.

3.The respondents have rejected the claim made by the petitioner on two grounds. The first ground is that only the owner of the land can apply for free electricity connection and admittedly, the petitioner is only a lessee and he has only been declared as a cultivating tenant. To substantiate this submission, the learned Standing Counsel for the respondents relied upon the Tamil Nadu Electricity Distribution Code. The second ground is that there are other legal heirs who have not given No Objection Certificate to the petitioner and therefore, the petitioner has to execute the indemnity bond.

4.The learned Standing Counsel submitted that the issue regarding the execution of indemnity bond will arise only if the



WEB COPY

petitioner is first able to satisfy this he is the owner of the property. It is submitted that the petitioner in his capacity as a cultivating tenant cannot seek for the electricity service connection.

5.The learned counsel for the petitioner seeks for some time to clarify on the defence that has now been taken by the Electricity Department.

6.Post this writ petition under the caption 'Part Heard Cases' on 28.08.2025.

3.Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing on behalf of respondents.

4.The petitioner stands on a dual capacity. He is the son of the original owner Kuppusamy, who had applied for the service connection. Apart from that the petitioner is also a cultivating tenant as per the orders passed by the competent authority dated 21.01.2019 under the Tamil Nadu Cultivating Tenants Protection Act, 1955.

5.Insofar as the right of a cultivating tenant is concerned, the learned counsel for the petitioner placed reliance upon the order passed by this Court in WP(MD).No.2191 of 2021, dated 25.01.2023 and the relevant portions are extracted hereunder:

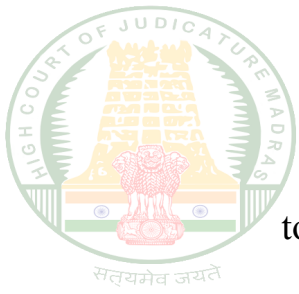


WEB COPY

6. It is true that the provisions of the Tamil Nadu Electricity

Distribution Code validate the stand taken in the impugned communication. However, the electricity is a fundamental amenity. Even if there is a dispute between the landlord and the tenant in respect of the residential premises and the landlord declined to give his consent, electricity service connection is given after taking indemnity bond from the tenant. There is no reason for not adopting the very same stand in the case of agricultural connection. Admittedly, the petitioner is a cultivating tenant. He is very much in possession of the petition mentioned agricultural lands. Since the policy of the Government is to encourage the farmers, free electricity service connection is given. Merely because the petitioner is a cultivating tenant and not a landlord, a different yardstick cannot be applied. The TANGEDCO can very well adopt the same approach towards the cultivating tenant.

7. In this view of the matter, the order impugned in this writ petition is set aside. However, I cannot direct the first respondent



WEB COPY

to provide electricity service connection in favour of the petitioner immediately. There are certain formalities to be observed. The petitioner will have to wait for his turn. The only relaxation I can give is that even though the petitioner is a cultivating tenant, since his possession over the lands in question is not in dispute, the petitioner is eligible to apply for the electricity service connection in his own name. It is for the first respondent to adhere to the other norms and formalities. This writ petition stands allowed on these terms. No costs.

6.The learned counsel for the petitioner also placed reliance upon the order passed in WP.No.23094 of 2019 dated 13.7.2022 and the relevant portion is extracted hereunder:

2. Though Mr.Ma.P.Thangavel, learned counsel appearing for the petitioner would raise several contentions in order to show that the demand is unjust, I do not see any necessity to go into those contentions, inasmuch as the Rules for provision of electricity to Wells and also for provision of change over switches where there are co-owners had been relaxed by the Government



WEB COPY

and the TNERC in its press release dated 10.09.2020 has said, in case of a joint ownership of the Well, if the applicant is unable to get consent letter from the co-owner(s), the applicant can produce Indemnity Bond in lieu of said consent. The Application Form for agricultural service connection, which has been substituted in annexure III, for Form 2, by the amendment to the Tamil Nadu Electricity Supply Code notified on 16.07.2020 and published in the Tamil Nadu Government Gazette dated 05.08.2020 also dispenses with the requirement of the consent letter and states that an Indemnity Bond would suffice. The petitioner has furnished the indemnity bond as could be seen from page 20 of the typed set filed by him.

7.The impugned order has been passed mainly on the ground that the petitioner is not entitled for transfer of service connection in his capacity as the cultivating tenant. I am in agreement with the order passed in WP(MD).No.2191 of 2021 dated 25.1.2023, wherein this Court directed the service connection to be granted in the name of the person who was recorded as a cultivating tenant. The case of the petitioner is further

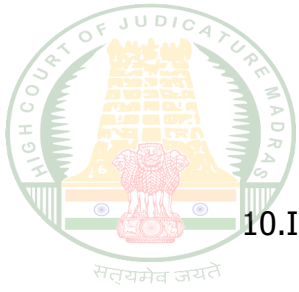


WEB COPY

strengthened due to the fact that the petitioner is also a legal heir [son] of the deceased Kuppusamy in whose name application was originally submitted.

8. Insofar as the other legal heirs are concerned, the petitioner is not able to get the consent letter. Hence, the respondents can always receive the Indemnity Bond in lieu of the consent. The application form for agricultural service connection, which has been substituted in Annexure-III, Form 2, by the amendment, Tamil Nadu Electricity Civil Code notified on 16.7.2020 and published in the gazette on 05.08.2020, dispenses with the requirement of the consent letter and states that Indemnity Bond would suffice. Hence, the respondents can get the Indemnity Bond from the petitioner and proceed further with the same.

9. In the light of the above discussion, the impugned proceedings of the 1st respondent dated 23.5.2024, and confirming the earlier order dated 20.5.2024 is hereby quashed. There shall be a direction to the petitioner to submit all the relevant documents and also the Indemnity Bond before the 3rd respondent. On receipt of the same, the 3rd respondent on being satisfied shall proceed further to provide agricultural electricity service connection to the petitioner. This process shall be completed by the 3rd respondent within a period of six weeks from the date of receipt of copy of the order.



10. In the result, this writ petition is allowed with the above directions. No costs.

WEB COPY

29.08.2025

Index : Yes/No

NCS : Yes/No

KP

To

1. The Electricity Ombudsman
4th Floor, SIDCO Office Building
Thiru.Ve.ka Industrial Estate
Guindy, Chennai 600 032.

2. The Chairman
Consumer Grievance Redressal Forum
Udumalpet Electricity Distribution Circle
Udumalpet-642 126
Tiruppur District.

3. The Executive Engineer
TANGEDCO
Udumalpet Electricity Distribution Circle
Udumalpet-642 126
Tiruppur District.



WEB COPY



N.ANAND VENKATESH, J.

KP

Writ Petition No.749 of 2025

29.8.2025