



W.A.(MD) No.233 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A.(MD)No.233 of 2025

M.Indra

... Appellant/Writ Petitioner

-Vs-

1.The Superintending Engineer,
Operation and Maintenance(O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Maruthupandiyar Nagar,
Sivagangai.

2.The Executive Engineer,
Operation and Maintenance(O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Manamadurai,
Sivagangai.

3.The Assistant Executive Engineer,
Operation and Maintenance(O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Manamadurai,
Sivagangai.



W.A.(MD) No.233 of 2025

4.The Assistant Engineer,
Operation and Maintenance (O&M)
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Thiruppachathi,
Sivagangai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, against the impugned order dated 05.08.2022 made in W.P(MD)No.11525 of 2022 by this Court.

For Petitioner : Mr.Jeremiah Gregory John
For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

The appellant herein, holding a land in Survey No.248/4B at Melasorikulam group of Muduvanthidal Village, Thiruppuvanam Taluk, Sivagangai District, is aggrieved by the order passed by the learned Single Judge dismissing her writ petition seeking Mandamus to the third respondent to implement the order passed by the second respondent in his proceedings dated 13.01.2022.

2.The sum and substance of the writ petition is that, one Muthupandi, who is the husband of the appellant, applied for free agricultural power supply in his land bearing Survey No.266/13. The said application was made on 10.05.2005



W.A.(MD) No.233 of 2025

and he was waiting for his turn to get the free service connection based on the seniority. However, even before the respondents would provide free service connection, the said Muthupandi had sold his property in Survey No.266/13 along with his right of free service connection based on his application. The sale deed was effected on 18.04.2011 with a specific clause that as and when free service connection is given to the said land, the name has to be changed in favour of the purchaser. After alienating the property in Survey No.266/13, the said Muthupandi also died.

3.Under such circumstances, the appellant herein, who is the wife of Muthupandi, on the death of her husband, had sought for transfer of name and also the survey number for the free service connection with the intention of retaining the seniority. It appears that the Executive Engineer, TANGEDCO, had entertained the request and transferred the application made by Muthupandi on 10.05.2005 for Survey No.266/13 to the name of writ appellant Indra, W/o.Muthupandi and also the survey number from S.No.226/13 to S.No.248/4B. Based on the transfer of applicant name and survey number, the writ petition being filed to issue mandamus for free service.



W.A.(MD) No.233 of 2025

4.The learned Single Judge considering the prayer of the writ petition has found that the property, for which, free service connection sought by Muthupandi had already been alienated by him along with the right to get free service connection. Therefore, the wife of Muthupandi cannot have further right to seek for free service connection for different survey number based on the application made by her husband.

5.Being aggrieved by the dismissal of the writ petition, this appeal is filed.

6.The learned counsel appearing for the appellant would submit that the husband of the appellant had large extent of land with two bore-wells at two different survey numbers. Though he has made an application for S.No.266/13, free service connection sought to irrigate the other land also situated in the different survey number. The Certificate of Village Administrative Officer will prove that the said Muthupandi had land in Survey No.248/4B where there is another bore well owned by him. Therefore, as the wife of the deceased Muthupandi, appellant is entitled to get the free service connection based on the application made on 10.05.2005 and on the strength of the name transfer effected by the Executive Engineer/second respondent.



W.A.(MD) No.233 of 2025

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7.The learned Standing Counsel appearing for the respondent submitted that on the strength of the clause in the sale deed executed by Muthupandi, the Department had already provided free service connection to Survey No.266/13. It presently stands in the name of the purchaser of the land from the said Muthupandi. This transfer of the property was effected in the year 2011 and free service connection was provided in the year 2022. While so, the appellant on the strength of so called letter issued by the second respondent, the veracity of which is highly doubtful cannot have another free service connection. This will amount to providing two free service for one application. If at all the appellant need free service connection, she has to file a fresh application for the land she owned and if any such application is made, that will be considered in accordance with law.

8.This Court hold that if the relief sought by the appellant is granted it will amount to duplication of the benefit based on the single application. Further, it is to be noted that free service connection is provided for the land under irrigation and not for individual. The free power service will go along with the land even if the property got transferred. In this case, the free service connection was sought for Survey No.266/13, the Department had provided free service connection to the said survey number and therefore, there cannot be any more free



W.A.(MD) No.233 of 2025

service connection for the application made by Muthupandi on 10.05.2005. If at all the appellant wants any free service connection, she has to apply fresh based on the eligibility and seniority, the same will be provided to her. Neither the letter of the second respondent nor the transfer of the applicant name will not give any right to seek Mandamus as prayed.

9. With the aforesaid observations and discussions, this Writ Appeal stands disposed of. No costs.

[G.J., J.] & [R.P., J.]
05.02.2025

NCC : Yes / No
Index : Yes / No



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W.A.(MD) No.233 of 2025

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W.A.(MD) No.233 of 2025

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