

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20381 of 2015

V.B.R.Menon

.. Petitioner

-vs-

1.The Chairman-cum-Managing Director,
TANGEDCO, NPKRR Maaligai,
144, Anna Salai, Chennai.

2.The Chief Engineer (Commercial)
TANGEDCO, NPKRR Maaligai,
144, Anna Salai, Chennai.

3.The Superintending Engineer,
SE/Enforcement, TANGEDCO,
NPKRR Maaligai, 144, Anna Salai,
Chennai.

4.The Principal Secretary to Govt.,
Energy Department, Fort St. George,
Secretariat, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to issue appropriate instructions to the Field Officers and Enforcement Wing of M/s.TANGEDCO to prevent the unlawful invocation of criminal proceedings under Sec.135 of the Indian Electricity Act, 2003, in contravention to the decision of the Hon'ble Supreme Court in (2012) 2 SCC 108 and consequently incorporate a provision for statutory appeal under Rule 23AA of the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner : Mr.V.B.R.Menon
Party-in-person

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader, assisted by
Mr.V.Shanmugha Sunder, G.A. For R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, an advocate by profession, seeks to file the present Public Interest Litigation seeking direction against the respondents to issue appropriate directions to the Field Officers and the Enforcement Wing of TANGEDCO to prevent unlawful invocation of criminal proceedings under Section 135 of the Tamil Nadu Electricity Act, 2003, in contravention to the decision of the Hon'ble Supreme Court in Southern Electricity Supply Co. Of Orissa Ltd., rep. by its Executive Engineer, vs. Sri Seetaram Rice Mill, reported in (2012) 2 SCC 108.

2.It is trite to say that if a law is laid down by the Hon'ble Supreme Court interpreting certain provisions and statutes, that is required to be followed by the respondent authorities. There can be no so-called public interest in seeking directions to publicize the same. The petitioner wants this Court to perform the job of the executive of issuing office orders in respect of the legal positions already laid down.

3.On perusal of the documents, the cat is out of the bag. It appears that the petitioner's own son has been involved with a case, which is apparent from page 37 of the typed set. The petitioner states that he has already taken recourse separately in that aspect. Be that as it may, it is the action against the son, which seems to have evoked the parental affection to make it into a public interest litigation and we are, thus, of the view that this is not a fit case whatsoever to invoke the jurisdiction under the Public Interest Litigation.

4.Writ Petition is dismissed. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sra

To

1.The Chairman-cum-Managing Director,
TANGEDCO, NPKRR Maaligai,
144, Anna Salai, Chennai.

2.The Chief Engineer (Commercial)
TANGEDCO, NPKRR Maaligai,
144, Anna Salai, Chennai.

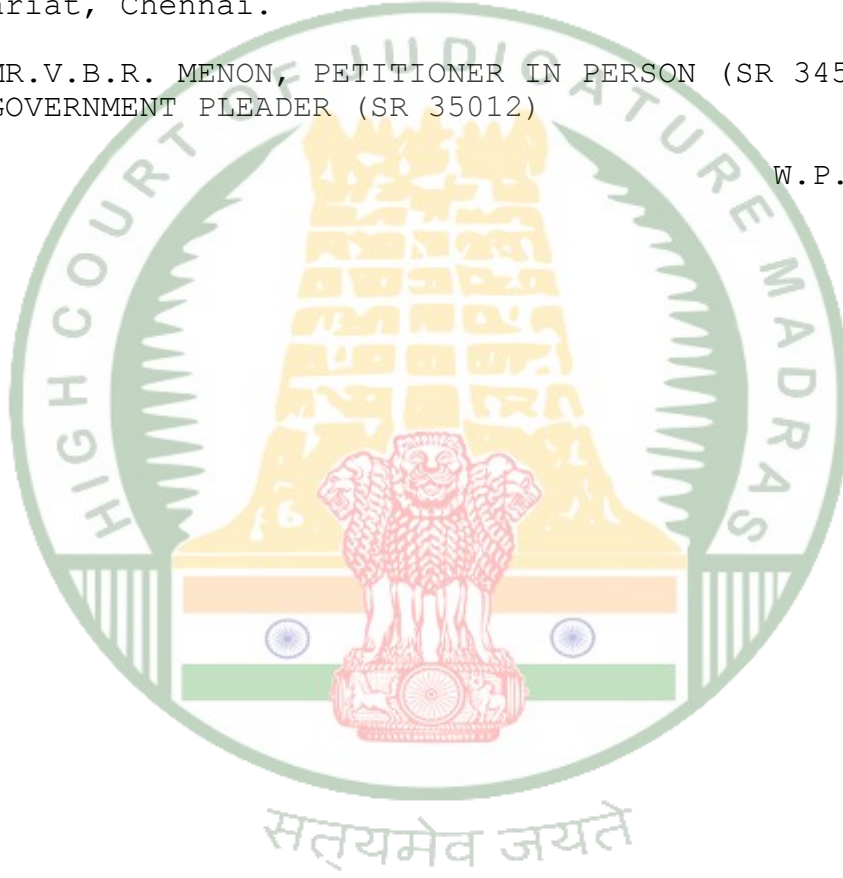
3.The Superintending Engineer,
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Chennai.

4.The Principal Secretary to Govt.,
Energy Department, Fort St. George,
Secretariat, Chennai.

+1 CC TO MR.V.B.R. MENON, PETITIONER IN PERSON (SR 34566)
+1 CC TO GOVERNMENT PLEADER (SR 35012)

W.P.No.20381 of 2015

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