

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.28450 of 2015

and

M.P.No. 1 of 2015

M.Ramesh

[PETITIONER]

Vs

1. The Superintending Engineer,
TANGEDCO,
Villupuram.
 2. The Executive Engineer, (O & M),
TANGEDCO,
Tindivanam.
 3. The Assistant Executive Engineer, (O & M)
TANGEDCO, Chendur, Tindivanam Taluk
- [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus calling for the records of the 3rd respondent in Ka.No.Vu.Sa.Po/E.Pa/Cendur/Ko.Kattu/ No.86/ date 29.08.2015 and quash the same and thereby direct the respondents to restore the service connection No. 471-010-42 forthwith.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Varunkumar

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.N.Suresh, learned Counsel appearing for the petitioner and Mr.M.Varunkumar, learned Counsel appearing for the respondents.

3. This petition has been filed seeking to challenge the provisional assessment proceedings dated 29.8.2015, wherein there is an allegation of theft of energy committed by the petitioner.

4. Initially an agricultural service connection bearing Service Connection No.471-010-42 was granted to the petitioner's grand father Rajaraman. However, that was disconnected for non payment of current consumption charges and according to the Board, the entire line was dismantled on 23.10.1987. The petitioner claims to have inherited the property pursuant to a Deed of Partition dated 14.12.1973, registered as document No. 2325 of 1973, on the file of Sub Registrar, Mylam and would state that there was no notice given to the petitioner before disconnection or dismantling.

5. The learned counsel for the petitioner would state that the agricultural service connection was a free connection and no payment was involved and assuming that there was any illegality or irregularity, notice should have been given.

6. However, the issue before this Court is only with regard to the provisional assessment with regard to theft of energy, which is alleged to have done by direct means. It is to be noted that the impugned proceedings is only a provisional assessment order and not a final assessment. Therefore, the petitioner has to submit his objections to the provisional assessment and thereafter, the third respondent should consider the objections and pass final order of assessment.

7. In the result, the petitioner is directed to submit his objections to the provisional assessment, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall consider the same, afford an opportunity of personal hearing and pass a reasoned orders on merits and in accordance with law, within a period of three weeks thereafter. It is needless to state that in the explanation, the petitioner shall also state about the contention that dismantling of the service connection was done without notice to them.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Superintending Engineer,
TANGEDCO,
Villupuram.
2. The Executive Engineer, (O & M),
TANGEDCO,
Tindivanam.
3. The Assistant Executive Engineer, (O & M)
TANGEDCO, Chendur, Tindivanam Taluk

+1cc to Mr.N.Suresh, Advocate, S.R.No.61033
+1cc to Mr.M.Varunkumar, Advocate, S.R.No.60650

kk(CO)
kra(04/12/2015)

सत्यमेव जयते

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and M.P.No.1 of 2015

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