

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.15216 of 2003

G.Ravichandran
S/o.M.Ganesan
54, Gowdiyamutt Road,
Royapettah Chennai-14.

... Petitioner

Vs

1. Assistant Engineer
Koyambedu Market,
CEDC/West,
Tamil Nadu Electricity Board,
Chennai - 600 111.
2. Executive Engineer,
Koyambedu Circle,
Anna Nagar, Chennai - 40.
3. Managing Director,
Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.
4. The Superintending Engineer,
Koyambedu Market Division,
Koyambedu Circle,
Anna Nagar, Chennai - 40.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in K.Dis.No./Executive Engineer/Koyambedu Market/CEDC/WEST/No.677/03 dated 26.04.2003 on the file of the Executive Engineer, Koyambedu Market, CEDC/West, TNEB, Chennai-600 040 and quash the same and further direct the respondents not to disconnect electricity connection in No.176-42-155 in Circle III B.

For Petitioner : Mr.R.Dhanapal Raj

For Respondents : Mr.P.R.Dilip Kumar

ORDER

Heard Mr.R.Dhanapal Raj, learned counsel appearing for the petitioner and Mr.P.R.Dilip Kumar, learned counsel appearing for the respondents and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has challenged the proceedings dated 26.04.2003, by which, the petitioner has been directed to remit a sum of Rs.2,03,691/-, on the ground that the objections raised by him have not been considered and proper enquiry has not been conducted.

3. At the time, when the Writ Petition was entertained, a conditional interim order was granted by this Court on 20.05.2003, which has been made absolute. Though the respondents have entered appearance, till date they have not filed counter affidavit. Today, the learned counsel for the respondents submitted that when they went to the premises of the petitioner, it is found to be locked and therefore they seek for an adjournment. This Court sees no purpose for adjourning the matter, when the proceedings have been stayed since 2003, subject to certain conditions. A perusal of the impugned order shows that though there is reference to petitioner's representation and also stating that there is an opportunity of hearing given, the impugned order does not assign any specific reason as to how the explanation submitted by the petitioner is not found to be satisfactory. So considering the facts and circumstances and taking note of the fact that the respondents, till date have not filed counter, this Court deems it appropriate to set aside the impugned proceedings and remand the matter for fresh consideration.

4. Therefore, this Court is of the view that the matter requires to be reconsidered by the competent authority. Accordingly, instead of quashing the impugned proceedings, the matter is remitted to the respondents for fresh consideration, who shall issue notice to the petitioner or to the occupants of the premises or who is the authority concerned to consider his

objections afresh after affording an opportunity of personal hearing to all concerned and thereafter pass an order in accordance with law. While passing such an order, the payment which was remitted by the petitioner pursuant to the interim order passed by this Court shall be taken into consideration.

The Writ Petition is allowed on the above terms. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Assistant Engineer
Koyambedu Market,
CEDC/West,
Tamil Nadu Electricity Board,
Chennai - 600 111.
2. The Executive Engineer,
Koyambedu Circle,
Anna Nagar, Chennai - 40.
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Koyambedu Market Division,
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+1cc to Mr.R.Dhanapal Raj, Advocate, S.R.No.67780

MP(CO)
CA(19/01/2016)

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