



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.21288 of 2014

A.Devarajan

...Petitioner

Vs.

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution, Kodaikanal,
Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the first respondent in his proceedings No.Ka.N.U.me.po./na ki/ko/va vu/a No.090, dated 11.12.2014 and quash the same.

For Petitioner	: Mr.J.Lawrance
For 1 st Respondent	: Mr.S.M.S.Johnny Basha, Standing Counsel.
For 2 nd Respondent	: Mr.K.Dinesh Babu, Standing Counsel

O R D E R

The prayer in the writ petition is to quash the impugned notice dated 11.12.2014.

2.According to the petitioner, the second respondent has no authority to issue the impugned notice and the same is legally unsustainable.

3.Learned counsel for the respondents vehemently opposed and argued that the impugned notice is only a show cause notice and the petitioner may be directed to give detailed explanation and the same will be considered in accordance with law.

4.In view of the above, the petitioner is directed to give detailed explanation to the notice impugned in this writ petition and appear before the first respondent within fifteen days from today. On receipt of such explanation, the first respondent shall pass appropriate orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner. It is made clear that no disconnection will be made in respect of the property of the petitioner till the final orders are passed.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

05.01.2015

FOR BEING MENTIONED

This Petition having been posted on this Wednesday, the Eleventh day of February Two Thousand and Fifteen "for being mentioned", in pursuance of the order of this court below 05.01.2015 and made herein in the presence of the above said advocate, this court made the following order:-

This matter is posted under the caption 'for being mentioned'.

2. The learned counsel for the petitioner submits that in the 4th paragraph of the order made in WP(MD)No.21288 of 2014, dated 05.01.2015, the petitioner was directed to give explanation from today, i.e., on 05.01.2015. But, actually, he got the copy only on 30.01.2015.

3. In view of the above, the petitioner is permitted to give explanation to the respondent, as directed by this court vide its order dated 05.01.2015, within one week from today. This order share form part of the earlier order dated 05.01.2015.

sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution, Kodaikanal,
Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

+1cc to Mr.J.Lawarance, Advocate in SR.55

+1cc to Mr.K.Dinesh Babu, Advocate in SR.101

Writ Petition (MD)No.21288 of 2014
05.01.2015

sms

pbk 29/01/2015 ::2p-5c:

pbk 11/02/2015 ::2p-5c: