



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.4867 of 2014
and M.P(MD)No.1 of 2014

A.Valli

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai Electricity Distribution Circle,
Collectorate Campus,
Maruthupandiar Nagar,
Sivagangai.

2.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Thiruppuvanam Division,
Thattankulam,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to restore the electricity connection in S.C.No.110 within a period that may be stipulated by this Court.

For Petitioner : Mr.R.Prabhu Ramachandran

For Respondents : Mr.S.M.S.Johnny Basha

ORDER

The petitioner seeks for a Mandamus directing the respondents 1 and 2 to restore the electricity connection in S.C.No.110.

2. This Writ Petition was opposed by the second respondent by filing a counter-affidavit, wherein, it is contended that there is a theft of electricity by the petitioner's son and consequently, the service cannot be restored.

3. This Court while passing an interim order on 29.04.2014 directed the respondents to restore the service connection by imposing a condition on the petitioner to pay a sum of Rs.50,000/- within a period of one week.

4. Today, it is represented by both sides that the said sum has been paid within the time stipulated and the service connection is also restored.



5. The learned standing counsel appearing for the respondents submitted that already a final assessment order was passed by the Department on 07.02.2014, assessing a sum of Rs.1,15,102/- payable by the petitioner's son and therefore, without paying the said sum, the petitioner cannot continue to enjoy the service connection based upon the interim order passed by this Court.

6. The learned counsel appearing for the petitioner submitted that as already a sum of Rs.50,000/- has been paid as directed by this Court, the petitioner is willing to pay the balance amount, if permission is granted to pay the same in instalment.

7. Considering the above stated facts and circumstances and in view of the fact that the electricity service connection has already been restored on payment of Rs.50,000/-, the petitioner is directed to pay the balance sum of Rs.65,102/- in three equal monthly instalments commencing from 01.01.2016. If the petitioner commits any default in making any one of the instalments, the respondents are at liberty to disconnect the power supply.

8. With the above directions, this Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai Electricity Distribution Circle,
Collectorate Campus, Maruthupandiar Nagar,
Sivagangai.
- 2.The Assistant Executive Engineer (Distribution),
Tamil Nadu Electricity Board, Thiruppuvanam Division,
Thattankulam, Thiruppuvanam Taluk,
Sivagangai District.

+1cc to Mr.R.Prabhu Ramachandran, Advocate SR.No.70067

Akm/16.12.2015/ 2p- 4c/SKN/SK/SAR-I