

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.3.2016

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THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

W.P.No.14996 of 2015 and
M.P.Nos.1 and 2 of 2015

D.Dinakaran

.. Petitioner

Vs

The Assistant Executive
Engineer (O & M) Tamilnadu Generation and
Electricity Distribution Corpn. Ltd.
West Arni, Arni Taluk, Thiruvannamalai District... Respondents

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari calling for the entire records relating to the impugned order passed by the respondent in his proceedings Letter No.AEE/O&M/NA/Arni/ D037/2015 dated 24.4.2015 and quash the same.

For Petitioner : Mr.C.Prakasam
For R1 to R3 : Mr.M.Varun Kumar

O R D E R

The petitioner states that he has been granted agricultural connection for drawing water and irrigating his lands which admittedly, is a free service connection. The petitioner obtained another temporary connection stated to be for construction purpose in service connection S.C.No.228-004-429 chargeable under Tariff VI. In the impugned communication, it is alleged that a team of Ex-Servicemen detected theft of energy on 15.04.2015 and it is further alleged that the petitioner accepted the same and paid Rs.18,000/- and the balance amount of Rs.4,21,149/- has been demanded.

2. At the time, when the writ petition was entertained, an order of interim stay was granted on 21.5.2015 subject to the condition that the petitioner pays a sum of Rs.1 lakh. This condition is stated to have been complied with.

3. The petitioner's case is that as and when he has been granted free electricity and agriculture service connections,

there is no question of utilizing a temporary service connection charged at commercial tariff for some other purpose. Further, it is submitted that there is some animosity between ex-service men, who is said to have reported the alleged theft of energy. In any event, this cannot be adjudicated in this writ petition since the impugned proceedings is also not very clear as to what is the exact allegation.

4. Therefore, the petitioner is directed to treat the impugned proceedings as notice and submit his objections within a period of 15 days from the date of receipt of a copy of this order, clearly setting out his case. On receipt of the objections, the respondent shall consider the same, conduct an enquiry and after affording an opportunity of personal hearing to the petitioner, pass orders on merits and in accordance with law. The order should be a reasoned order and should clearly set out as to what is the factual aspect of the matter. The petitioner is entitled to raise all his contentions in the objections to be filed. Till the matter is heard and decided by the respondent, in terms of the above direction, the electricity connection shall not be disconnected.

5. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Assistant Executive
Engineer (O & M) Tamilnadu Generation and
Electricity Distribution Corpn. Ltd.
West Arni, Arni Taluk, Thiruvannamalai District

+1 cc to Mr.M.VarunKumar Advocate sr.14197

+1 cc to Mr.C.Prakasam Advocate sr.14651

W.P.No.14996 of 2015

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