



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.07.2016
CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P(MD) .No.11799 of 2016
and
W.M.P. (MD) .No.9055 of 2016

A.Santhanam

... Petitioner

Vs.

- 1.The Executive Engineer,
Tamil Nadu Electricity Board(Distribution),
Valliyoor, Tirunelveli District.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (Distribution),
Yervadi, Tirunelveli District.
- 3.The Assistant Engineer,
Tamil Nadu Electricity Board(Distribution),
Thirukurunkudi, Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the proceedings in Ka.No.Assistant/Eng/V/Thirukudi/KO.Kattu/A181/16 dated 27.06.2016 on the file of the third respondent and quash the same.

For petitioner : M/s.R.Maheswaran
For respondents : Mr.G.Kasinathadurai

ORDER

Mr.A.Santhanam, was directed to pay a sum of Rs.2,78,411/- plus interest Rs.4176/-, totalling a sum of Rs.2,82,587/- by the third respondent for the total consumption of 77591 units being used by the petitioner for his temporary service connection No.079-003-532. Out of which, it is stated that the petitioner has paid for the consumption of 57661 units and for remaining units, the respondents have given seven days from 27.06.2016. Challenging the same the petitioner is before this Court.

2. It is the claim of the petitioner that he applied for free electricity service connection with the respondents for agricultural purpose. The petitioner was informed that as per seniority it would be given. In the mean while, the petitioner applied for electricity service connection through tatkal. Accordingly, he was provided with electricity connection through temporary service connection No.079-003-532 and included the petitioner in the Tatkal waiting list. The petitioner was using the said electricity service connection since the respondents continued to assess the same for the interval of two months. Thereafter, the respondent informed that the petitioner was granted free electricity service connection from 13.2.2016 through Service Connection No.079-003-574.



3. It is the case of the petitioner that the respondents removed the old meter, which was being used for service connection No. 079-003-532. However, the respondents started claiming electricity charges for old service connection No.079-003-532, as the said temporary electricity connection was disconnected only on 17.05.2016, for which, a notice was issued by the third respondent, on 27.06.2016, which is under challenge in the present Writ Petition.

4. Learned Standing Counsel appearing for the respondents submitted that though the respondents has issued a notice claiming electricity service charges for old service connection No. 079-003-532, the petitioner can very well offer his explanation along with documentary proof to substantiate his claim.

5. Heard the submissions made on either side and perused the materials available on record.

6. In view of the narrow issue involved in this Writ Petition, the petitioner is directed to offer his explanation, along with documentary proof, to the notice, dated 27.06.2016, within a period of one week from the date of receipt of a copy of this order. On receipt of the explanation, the third respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of the explanation from the petitioner. Till such time, the respondents shall maintain *status quo*. It is made clear that the respondents shall not treat this order as if giving any positive direction to the respondents and they shall consider the matter depending upon the documents to be produced by the petitioner to substantiate his case, as claimed in this Writ Petition.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Executive Engineer,Tamil Nadu Electricity Board(Distribution),
Valliyoore, Tirunelveli District.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Board (Distribution),
Yervadi, Tirunelveli District.
- 3.The Assistant Engineer,
Tamil Nadu Electricity Board(Distribution),
Thirukurunkudi, Tirunelveli District.

+1cc to M/S.R.Maheswaran, Advocate in SR.No.34938

+1cc to M/S.G.Kasinatha Durai, Advocate in SR.No.34681