



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

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THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P.(MD).Nos.12596 and 12597 of 2016

and

W.M.P.(MD).Nos.9510 to 9513 of 2016

T.Kulanthai ... Petitioner in W.P.(MD).No.12596/2016
P.Alagan ... Petitioner in W.P.(MD).No.12597/2016

Vs

The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Mettupatti,
Trichy District. ... Respondent in both WPs

Writ Petitions filed under Article 226 of the Constitution of India for the issuance of Writs of Certiorari to call for the records relating to the impugned order passed by the respondent in his proceedings Nil dated 13.07.2016 and quash the same.

For petitioners : Mr.Imrankhan for
M/s.Ajmel Associates
For Respondent : Mr.S.Srimathi

COMMON ORDER

The petitioners challenge the order of the respondent dated 13.07.2016 on the ground that they have committed theft of energy, as alleged by the respondent.

2. The case of the petitioners is that on 12.07.2016, the respondent along with the Sub-Inspector of Police rushed to the premises of the petitioners and found that the petitioners have committed theft of electricity. Immediately, they were asked to pay a sum of Rs.25,000/- in respect of W.P.(MD).No.12596 of 2016 and a sum of Rs.24,000/- in respect of W.P.(MD).No.12597 of 2016 and the petitioners have also paid the said amount. Thereafter, the respondent has issued the impugned order imposing a fine amount and also disconnected the service connection of the petitioners. Challenging the action of the respondent, the petitioners are before this Court.



3. Learned counsel for the petitioners submitted that without providing an opportunity of hearing to submit an explanation as to the alleged offence, the respondent has passed the present impugned orders, which are liable to be set aside.

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4. *Per contra*, the learned Standing Counsel for the Tamil Nadu Electricity Board submitted that this Writ Petition is highly premature for the reason that the petitioners have to wait till the final provisional assessment is issued and at that time, sufficient opportunity will be given to the petitioner. In other words, on receipt of the explanation, the respondent will pass a detailed final order.

5. Recording the statement of the Tamil Nadu Electricity Board, the present Writ Petitions are dismissed. It is open to the respondent to pass final order in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

6. At this juncture, learned Counsel for the petitioner submitted that the petitioners are an agriculturist and without electricity, they cannot carry on their agricultural activities.

7. For the afore-said submission, the learned Standing Counsel for the Tamil Nadu Electricity Board submitted that if the petitioners come forward with 50% of the disputed amount in question, the service connection will be restored immediately to them.

8. Therefore, it is open to the petitioners to pay the amount demanded by the respondent, if they want to restore the electricity connection immediately or else they have to wait till the final order is passed by the respondent.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To
The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Mettupatti, Trichy District.

+2cc to M/s.Ajmal Associates, Advocate Sr.No.37497,37499

ssm

AA/KBM/26.07.2016/2p-4c