

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.5620 of 2017

S.Selvaraj

.. Petitioner

Vs.

1.The Superintending Engineer,
MEDC/Central Madras.

2.The Executive Engineer, Egmore,
MEDC, Central, TNEB,
Chennai - 17.

3.The Assistant Engineer,
MEDC/Central, Pulianthope,
Chennai - 12.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the third respondent made in Lr.No.A.E/I & M/P.Tho/Ko.Pa/Ta.No.15/16-17 dated 20.01.2017 and quash the same.

For Petitioner .. Mr.B.Divakaran

For Respondents .. Mr.P.R.Dhilip Kumar

ORDER

Mr.P.R.Dhilip Kumar, learned counsel takes notice for the respondents.

2.By the order impugned, the petitioner was asked to pay a sum of Rs.2,91,076/- on the premise that he is bound to pay the said sum due to the earlier faulty meter, which was replaced subsequently. Hence the petitioner has come up with the present writ petition to quash the said impugned order.

3.Learned counsel appearing for the petitioner submits that the order impugned, having civil consequences, violates the principles of natural justice. There is neither an enquiry nor an opportunity of being heard was provided.

4.Learned counsel appearing for the respondents submits that the petitioner, having accepted the earlier meter being faulty, which was replaced subsequently, cannot be now permitted to contend to the contrary.

5.Replacing of the meter is one thing and the demand quantified is another. The impugned order has got civil consequence, by which the petitioner has been asked to pay a sum of Rs.2,91,076/-. There is no indication therein about the basis upon which the same has been calculated. Admittedly, the petitioner has not been put on notice. Therefore, the order impugned suffers from violation of principles of natural justice. Accordingly, the impugned order dated 20.01.2017 is set aside with liberty to the respondents to proceed afresh after issuing show cause notice indicating the amount payable by the petitioner and the basis for demanding the same.

6.With the above direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi

To

1.The Superintending Engineer,
MEDC/Central Madras.

2.The Executive Engineer, Egmore,
MEDC, Central, TNEB,
Chennai - 17.

3.The Assistant Engineer,
MEDC/Central, Pulianthope,
Chennai - 12.

+1cc to Mr.B.Divakaran,sr.14537

+1cc to Mr.P.R.Dilipkumar,Sr.14467

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ss(17/3/2017)