

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30632 of 2017
and
WMP.No.33537 of 2017

K.K.Sirajutheen
S/o.Mohammed Kutty

.. Petitioner

versus

1.The Superintending Engineer
Tamil Nadu Generation of Electricity and
Distribution Corporation
Nagapattinam District, Nagapattinam.

2.The Assistant Executive Engineer
Operation and Maintenance,
Tamil Nadu Generation of Electricity and
Distribution Corporation (North)
Nagapattinam.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order letter No.AEE/O & M/N/NGT/F.THEFT/D.127/2017 dated 13.09.2017 passed by the 2nd respondent and to quash the same, consequently direct the 2nd respondent to restore the electricity service connection No.502-013-45 to the premises at 151/A, Nethaji Road, opposite to Railway Station, (Shanthi Lodge Building), Nagapattinam Town forthwith.

For Petitioner : Mr.N.A.Ravindran

For Respondents : Mr.P.Gunaraj
standing counsel

O R D E R

Mr.P.Gunaraj, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the provisional assessment order dated 13.09.2017 issued by the second respondent indicating with the approximate loss caused by the petitioner due to dishonest abstraction / illegal restoration of supply as Rs.13,93,670/- and consequently, calling upon the petitioner to pay the amount within seven

working days from the date of receipt of such order. The petitioner was also called upon to file his objections as against the provisional assessment within seven days. It is also stated in the order that the petitioner can appear in person with relevant documents for an enquiry before the second respondent.

3. When such being the facts and circumstance of the case, I do not think that the petitioner can approach this Court and challenge the provisional assessment order as he has been given sufficient liberty to make his objections and personally appear before the second respondent and explain with relevant documents.

4. The learned counsel for the petitioner submitted that already explanation was given to the second respondent on 05.10.2017.

5. If that be the case, it is for the second respondent to pass a final assessment order, if no such order is passed so far. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter, only with a direction to the second respondent to pass a final assessment order, within a period of four weeks from the date of receipt of a copy of this order, if no such order is passed so far. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Superintending Engineer
Tamil Nadu Generation of Electricity and
Distribution Corporation
Nagapattinam District, Nagapattinam.

2.The Assistant Executive Engineer
Operation and Maintenance,
Tamil Nadu Generation of Electricity and
Distribution Corporation (North)
Nagapattinam.

+1cc to Mr.N.A.Ravindran, Advocate, S.R.No.84247

+1cc to Mr.P.Gunaraj, Advocate, S.R.No.84085