

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2017

CORAM

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

W.P.No.5676 of 2017
and
W.M.P.No.6075 of 2017

G.Palayaniyandi

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 2.

2.The Assistant Engineer
(Operation and Maintenance),
Tamil Nadu Generation and
Distribution Company Ltd.,
Panruti Rural (South),
Panruti - 607 106.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the impugned order issued by the second respondent in Ka.No./E.Mi.Po/Ki.Te/Pan/Va.Me/A No.184/16-17 dated 21.12.2016 demanding payment of a sum of Rs.8,380/- (Rupees Eight Thousand Three Hundred and Eighty only) on the basis of the Board Audit Slip No.34 dated 22.10.2016 in service connections bearing Account No.029-008-141 and quash the same as illegal, arbitrary and against the provisions of the Electricity Act, 2003 and the Tamil Nadu Electricity Supply Code, 2004.

For Petitioner .. Mr.M.Venkatakrishnan

For Respondents .. Mr.R.Venkataramani,
Addl. Advocate General
assisted by Mr.Varun Kumar

ORDER

Challenging the order impugned by which the petitioner was directed to pay a sum of Rs.8,380/-, upon an audit objection in Board Audit Slip No.34 dated 22.10.2016, the present writ petition has been filed.

2.Learned counsel appearing for the petitioner submits that though a copy of the audit objection has been furnished, the petitioner has not been put on notice before passing the order impugned.

3.The learned Additional Advocate General who is present in the Court has been asked to assist the Court as similar orders are being passed by various authorities of the Department without following due procedure. The learned Additional Advocate General, on instructions, submits that appropriate instructions would be given after having discussion with the officials at the higher level to address the said issue.

4.In the case on hand, admittedly, the petitioner has not been put on notice before passing the order impugned, which has got civil consequence as the demand has been raised against him. In such view of the matter, the order impugned is treated as show cause notice. The petitioner is given further period of three weeks from the date of receipt of a copy of this order to give suitable reply to the impugned order. On receipt of the reply, the second respondent shall pass orders within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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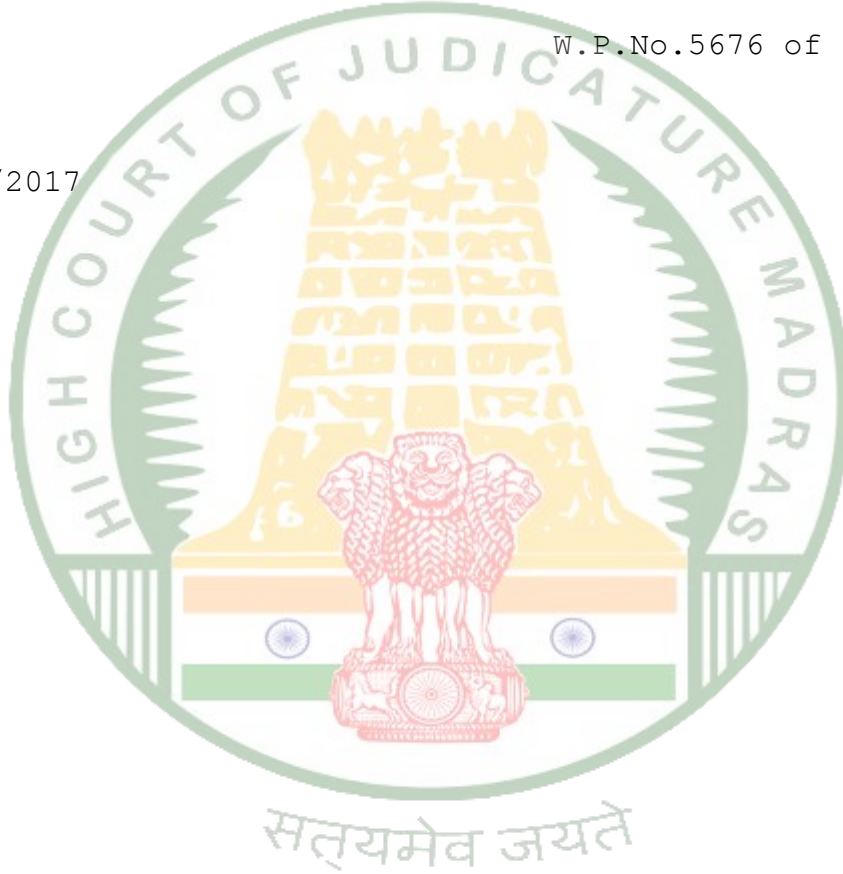
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Panruti - 607 106.

+lcc to Mr.M.Venkatakrishnan, Advocate Sr.14839
+lcc to Mr.M.Varunkumar, Advocate Sr.14783

W.P.No.5676 of 2017

pvs[co]
srg 24/03/2017



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