

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.26789 and 26790 of 2003

Surat Begaum .. Petitioner in W.P.No.26789 of 2003

M.Sikkandar .. Petitioner in W.P.No.26790 of 2003

Vs.

1. The Assistant Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Elayankudi, Sivaganga District.

2. The Assistant Engineer,
Distribution,
Tamil Nadu Electricity Board,
Elayankudi,
Sivaganga District.

.. Respondents in both the Writ Petitions

Writ Petition No.26789 of 2003 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in relation to Lr.No.A.E/T/Ely/Ko.Kattu/A No.338/2003, dated 27.08.2003 and quash the same and issue a consequential direction to the respondent No.2 not to insist the payment of Rs.5,810/-and issue a consequential direction to supply electricity to the Service Connection No.429 for the house No.21, Mynar Street, Salaiyur, Elayankudi Taluk, Sivaganga District.

Writ Petition No.26790 of 2003 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in relation to Lr.No.A.E/T/Ely/Ko.Kattu/A No.337/2003, dated 27.08.2003 and quash the same and issue a consequential direction to the respondents not to insist the payment of Rs.9,910/- and issue a direction to supply electricity to the Service Connection No.402 for the house No.2, Mynar Street, Salaiyur, Elayankudi Taluk, Sivaganga District.

For Petitioners : Mr.R.Saseetharan

For Respondents : Mr.P.R.Dhilipkumar

COMMON ORDER

When the Writ Petitions are taken up for hearing, learned counsel for the petitioners submitted that on the ground of theft of energy, a criminal case was also initiated against the petitioners and that the amount of theft was determined at Rs.11,620/- and Rs.19,825/- respectively by causing loss to the Board. In the anticipatory bail petition filed by the petitioners in CrI.O.P.No.8033 of 2000 and 8043 of 2000, this Court, by orders dated 24.05.2000, granted anticipatory bail to the petitioners subject to the condition of depositing 50% of the amount of the alleged electricity theft to the Board, in addition to the surety, which was duly complied with by the petitioners by paying Rs.5,810/- and Rs.9,910/- respectively. Thus, the petitioners had the benefit of anticipatory bail from this Court. For non-payment of remaining amount, the impugned notices were issued, which are impugned in both the Writ Petitions. During the pendency of these Writ Petitions and in subsistence of the dispute, the electricity connection was disconnected. In these Writ Petitions, there was interim orders of restoring the electricity service connection to the petitioners, as the petitioners were ready to deposit the amounts demanded and also the re-connection charges, which were duly paid and the electricity service connections were restored to the petitioners. Learned counsel for the petitioners further submitted that the Criminal Cases ended in acquittal and hence, he prayed that the Writ Petitions may be closed, with liberty to the petitioners to approach the Department for making refund of the amounts deposited by the petitioners on the ground of the alleged theft of electricity and on filing such applications, he prayed that the same may be considered by the authority in accordance with law. The learned Standing Counsel for the respondents-TNEB submitted that the amounts have not been paid and the petitioners never had the benefit of honourable acquittal before the Criminal Court and that the question of considering the request for refund of the amounts deposited by them does not arise. Since the petitioners have come forward with the statement that the electricity supply had been restored to them and the electricity service connections would not have been restored but for payment of the amounts as per the interim orders of this Court, these Writ Petitions are disposed of, with liberty to the petitioners to make necessary applications before the respondents for refund of the amounts deposited by them, within a period of one month from the date of receipt of a copy of this order and on such applications being filed, the

respondents are directed to consider the same and take a decision in accordance with law for refund of the amounts so deposited by the petitioners. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

CS

Copy to

1. The Assistant Executive Engineer,
Distribution,
Tamil Nadu Electricity Board,
Elayankudi, Sivaganga District.
2. The Assistant Engineer,
Distribution,
Tamil Nadu Electricity Board,
Elayankudi, Sivaganga District.

+2ccs to Mr.P.R.Dhilipkumar, Advocate, S.R.No.49248, 49249

+2ccs to Mr.R.Saseetharan, Advocate, S.R.No.49494, 49495

W.P.Nos.26789 and 26790 of 2003

PVS (CO)
CS/21/08/17

सत्यमेव जयते

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