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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) Nos. 21519 and 22236 of 2017
and
WMP (MD) Nos. 17803 and 18529 of 2017

M. Murugan ... Petitioner in both WPs
Vs.

1. The Additional Chief Engineer (Metro),
TANGEDCO,
office of the Superintending Engineer,
Madurai.

2. The Executive Engineer (APTS),
TANGEDCO,
Office of the Superintending Engineer,
Madurai.

3. The Assistant Executive Engineer (O & U),
TANGEDCO,
Office of the Assistant Superintending Engineer,
Tirumangalam, Madurai.

4. The Assistant Engineer (O & M),
TANGEDCO,
Office of the Assistant Superintending Engineer,
Tirumangalam, Madurai.

... Respondents in both WPs

PRAYER in WP (MD) No. 21519 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to conduct enquiry regarding the condition of meter in Service Connection No. 05-138-007-299 and also to direct the respondent to reassess the EB value that is accrued for month September-October 2017.

PRAYER in WP (MD) No. 22236 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed by the 4th Respondent vide his Proceedings in VuMiPo/Mo/Thiruma/Va.Aa/Kattu A.No.271, dated 13.11.2017 and quash the same as illegal and consequently direct the Respondents to conduct Enquiry regarding the condition of Meter in Service Connection 05-138-007-299 and also to direct the Respondents to reassess the EB value that is accrued for the month of August-September 2017.



For Petitioner : Mr.D.Senthil
For Respondents : Mrs.S.Srimathy
in both WPs

COMMON ORDER

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WP(MD)No.21519 of 2017 has been filed, seeking a writ of Mandamus directing the respondent to conduct enquiry regarding the condition of meter in Service Connection No.05-138-007-299 and also to direct the respondent to reassess the EB value that is accrued for month September-October 2017.

2.WP(MD)No.22236 of 2017 has been filed, seeking a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed by the 4th Respondent vide his Proceedings in VuMiPo/Mo/Thiruma/Va.Aa/Kattu A.No.271, dated 13.11.2017 and quash the same as illegal and consequently direct the Respondents to conduct Enquiry regarding the condition of Meter in Service Connection 05-138-007-299 and also to direct the Respondents to reassess the EB value that is accrued for the month of August-September 2017.

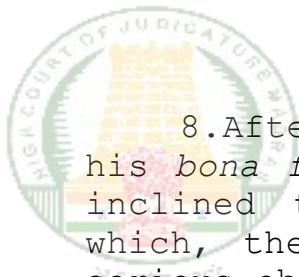
3. Since the issue involved in both the writ petition is one and the same, they are disposed of by this common order.

4.Heard both sides.

5.By consent, the writ petition is taken up for final disposal at the stage of admission itself.

6.The learned counsel for the petitioner would submit that the petitioner is running water plant in survey No.122/BB2, at Triumangalam Taluk, Madurai District, after obtaining necessary permission and valid licence. Since the electricity consumption charges for the months of June and July - 2017, were exorbitant than the electricity consumption charges ever before, he approached the authorities, stating that there is a defect in the EB meter and requested them to rectify the same and reassess the charges for the earlier months. Based on his request, the authorities tested the Electricity Meter and passed the proceedings dated 13.11.2017, stating that there is no defect in the said meter and subsequently, disconnected the electricity connection, for non payment of electricity charges, pending consideration of his application to reassess the charges. Aggrieved over the same, the petitioner is before this Court.

7.The learned Standing Counsel appearing for the respondents submitted that due to non payment of electricity consumption charges by the petitioner, the authorities disconnected the electricity service connection.



8. After some detailed arguments, now the petitioner, to prove his *bona fide*, is inclined to pay 30% of the total dues and also inclined to pay necessary charges for testing the Meter, for which, the learned Standing Counsel, for the respondents has no serious objection.

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9. In view of the same, the petitioner is directed to pay 30% of the total dues and upon such payment, the respondents are directed to resume the electricity connection forthwith. As far as the testing of Meter is concerned, this Court without going to the merits of the petitioner's claim, directs the respondents, to consider the claim of the petitioner, on payment of necessary charges and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks, therefrom.

10. The writ petitions are disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Additional Chief Engineer (Metro),
TANGEDCO,
office of the Superintending Engineer,
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Tirumangalam, Madurai.

+2cc to Mr.D.SENTHIL, Advocate, SR.91431, 91432

W.P (MD) Nos.21519 and
22236 of 2017
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