



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.4689 of 2017

and

W.M.P. (MD) Nos.3766 and 3767 of 2017

Chandrasekaran

.. Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
Madurai Metro,
Race Course Road, K.Pudhur,
Madurai - 7.
2. Assistant Executive Engineer,
TANGEDCO,
Pasumalai Section Office,
Pasumalai Road, Madurai.
3. Assistant Executive Engineer,
TANGEDCO,
Arasaradi, Madurai.
4. Assistant Engineer,
TANGEDCO,
TVS Nagar, Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling the entire records related to the 4th respondent in க.எண். ஊமிபொ / டிவிஎஸ்நகர் / கோ.வ.ம. / அ.எண்.1298 / 17, dated 28.01.2017 and to quash the same with respect to the petitioner's EB connection in SC.No.052-004-826 and direct the respondents not to disturb the petitioners connection till his residence.

For Petitioner

: Mr. R.Ramasamy

For Respondents

: Mrs.Rajeswari

for M/s.S.M.S.Johnny Basha
Standing Counsel.

**O R D E R**

This Writ Petition has been filed by a tenant of the premises who has complained disconnection of electricity service connection on account of the charges of theft of energy as against the husband of landlady of the premises in connection with different service connection. Therefore, the short question that arises for consideration in this case is whether the impugned order and the consequential disconnection, making the tenant liable is sustainable.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The grievance of the petitioner is that an order was passed on 28.01.2017 demanding a sum of Rs.3,13,288/- by way of charges, on account of theft of energy alleged to have been committed by the husband of the owner of the premises in connection with a different service connection which was extended to the husband of the owner in different premises. The impugned order also was to the effect that on failure to pay the amount demanded, the respondent would disconnect the power supply extended to the petitioner's landlady for different premises including the premises in which the petitioner is in occupation as a tenant. It is not in dispute that the petitioner is residing in one of the premises for which the electricity service connection was given in the name of petitioner's landlady. It is also not in dispute that the petitioner is paying electricity consumption charges without any default. However, after the filing of the Writ Petition, the electricity service connection was also disconnected without any notice to the petitioner at any point of time. It is in this circumstances, this Court examined the dispute and convinced that the demand is only in respect of a levy that was made against the husband of the landlady towards theft of energy committed by him in connection with a different premises and different service connection. Though the person who is enjoying the premises either as a tenant or an occupier is liable for the electricity consumption charges, he can not be mulcted with liability arising by way of penalty or damages that are recoverable by the Electricity Department for theft of energy.

4. In that view of the matter, the impugned order dated 28.01.2017 is set aside and the respondents are directed to extend the electricity service connection to the petitioner in SC No.052-004-826 forthwith. This order need not be construed as limiting the right of the Electricity Department to recover the money which is due from the husband of the landlady or any one who is connected to the premises as per the impugned order in the manner known to law. No costs. Consequently, connected W.M.P.(MD) Nos.3766 and



3

3767 of 2017 are closed.

/True Copy/

Sd/-
Assistant Registrar (RTI)

WEB COPY

Sub Assistant Registrar

To

1. The Superintending Engineer,
TANGEDCO,
Madurai Metro,
Race Course Road, K.Pudhur,
Madurai - 7.
2. Assistant Executive Engineer,
TANGEDCO,
Pasumalai Section Office,
Pasumalai road, Madurai.
3. Assistant Executive Engineer,
TANGEDCO,
Arasaradi, Madurai.
4. Assistant Engineer,
TANGEDCO,
TVS Nagar, Madurai.

+1cc to Mr.R.Ramasamy, Advocate, SR.17523

ORDER MADE IN
W.P. (MD) .No.4689 of 2017
23.03.2017

KK-SVMMS-SAR4-27.03.2017-3P-6C