



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM

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**THE HON'BLE MR.JUSTICE P.N.PRAKASH**

**W.P.(MD) No.8783 of 2017**

**and**

**W.M.P.(MD) No.6737 of 2017**

K.Saleem

... Petitioner

-vs-

The Assistant Engineer,  
Tamilnadu Electricity Board,  
TANGEDCO,  
Subramanipayuram Electricity Distribution Circle,  
Madurai. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, to call for the records of the Respondent under its proceedings க.எண்.உ.மி.பொ/ப/சுப்ரமணியபுரம் /வ.ஆ/கோ.கட்டு/அ.எண்.118/17 நாள்: 17.04.2017 and quash the same as ultra virus, illegal & not valid in law.

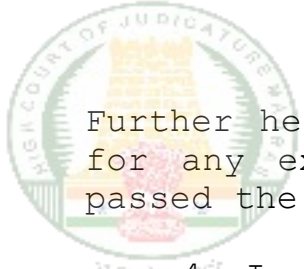
For Petitioner : Mr.M.Ponniah  
For Respondent : Mrs.Srimathi

**O R D E R**

Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondent.

2. It is the case of the petitioner that he is running a shop and is having Electricity Service Connection in service No.021-002-1189. The Assistant Engineer, TANGEDCO, has issued a notice dated 17.04.2017, in which it is stated that the petitioner is using the service connection for lavish illumination purpose, inasmuch as he has drawn the current for hoarding and advertisement board and therefore, the petitioner has been asked to obtain a fresh service connection under Tarrif-VI, challenging which, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the petitioner is using the current only for the name board of his shop and that the current is not used for any lavish illumination.



Further he submitted that the respondent authority has not called for any explanation from the petitioner and instead, they have passed the impugned order straight away.

4. In the considered opinion of this Court, disputed facts has cannot be gone into by this Court under under Article 226 of the Constitution of India. In all fairness, an opportunity has to be given to the petitioner by conducting spot inspection and taking photographs and also giving an opportunity to the petitioner to explain the same.

5. In view of the above, instead of directing the respondent to issue a fresh show cause notice, this Court is of the view that the impugned order dated 17.04.2017 itself be considered as show cause notice and fifteen days' time from the date of receipt of a copy of this order is given to the petitioner to give his explanation and the respondent Authority may also inspect the premises and take photographs to substantiate their allegations. On the petitioner submitting his explanation, the same may be considered and order passed in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected W.M.P.(MD) No.6737 of 2017 is closed.

Sd/-  
Vacation Officer

/True copy/

Sub Assistant Registrar

To  
The Assistant Engineer,  
Tamilnadu Electricity Board,  
TANGEDCO,  
Subramaniyapuram Electricity Distribution Circle,  
Madurai.  
+1 CC to M/s.M.PONNIAH, Advocate, SR No. 55613  
CMR/SSL  
PSM/RSK/SAR4/09.05.2017/2P/3C

W.P. (MD) No.8783 of 2017  
and  
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