



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2017

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24899 of 2016

and

W.M.P(MD)No.18009 of 2016

Beach Minerals Company Limited, HTSC No.142,
represented by its Managing Director,
Mr.Ramachandra Harihara Mahadevan
132, Tiruchendur Road,
Kuttam,
Radhapuram Taluk,
Tirunelveli District - 627 651.

.. Petitioner

Vs.

The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli - 627 011.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the respondent culminating in his impugned communication bearing Lr.No.SE/TEDC/ AO/REV/AAO /HT/ F.HT.142/D.570/16, dated 17.11.2016 and to quash the same.

For Petitioner : M/s.A.S.Saravanakumar
For Respondent : Mr.G.Kasinathadurai
Standing Counsel for TNEB

O R D E R

This writ petition has been filed, seeking for issuance of a writ of Certiorari calling for the records of the respondent culminating in his impugned communication bearing Lr.No.SE/TEDC/AO/REV/AAO/HT/F.HT.142/D.570/16, dated 17.11.2016 and to quash the same.

2.Mr.G.Kasinathadurai, learned Standing Counsel takes notice for the respondent. By consent of both parties, the main Writ Petition is taken up for final disposal.

3.The learned counsel for the Petitioner would submit that the impugned order was passed by the respondent without conducting due enquiry after providing an opportunity of hearing to the Petitioner and others concerned. Hence the Petitioner has come forward with the present Writ Petition for the relief stated supra to set aside the order impugned herein.



4.This Court by order, dated 16.7.2013, in W.P(MD)No.1946 of 2010, in a Writ Petition of similar nature, has set aside the order impugned therein and directed the authorities concerned to pass a speaking order after giving due opportunity to the parties concerned, within the time limit fixed by the Court.

5.Following the same, the present Writ Petition is allowed and the order impugned herein in Lr.No.SE/TEDC/AO/REV/AO/HT/F.HT.142/D.570/16, dated 17.11.2016 is set aside and the the respondent/Electricity Board is directed to give an opportunity of hearing to the Petitioner and arrive at a decision within a period of thirty days from the date of receipt of a copy of this order. If the Petitioner fails to appear on the specific date, then it is open to the respondent to pass appropriate orders in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

/True Copy/

Sub Assistant Registrar

To:

The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli - 627 011.

+1cc to Mr.G.Kasinathadurai, Advocate in SR No.559

+1CC to M/S.A.Saravana Kumar, Advocate, SR.No. 124

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and

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vsn

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