

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**Writ Petition No.13961 of 2010**

**ORDER:**

The relief sought for in this Writ Petition is to declare the action of the respondents, in levying minimum charges and surcharge for the disconnected period even though the respondents were at fault for disconnecting electricity connection, as arbitrary and illegal. A consequential direction is sought to the respondents not to insist on payment of minimum charges and surcharge.

This Court, by interim order dated 06.10.2010, directed the respondents to restore power supply to the petitioner's service connection, subject to the petitioner depositing half the demanded amount. The petitioner is said to have deposited the said amount, and electricity connection is said to have been restored.

In the counter-affidavit filed by the respondents, it is stated that, when the respondents had collected Rs.1,54,069/- towards arrears of the previous owner, the petitioner had filed W.P.No.13584 of 2003; the said Writ Petition was disposed of by order dated 06.08.2009 directing the petitioner to make an application to the respondent, within a period of four weeks from the date of receipt of a copy of the said order, seeking particulars of the arrears; the petitioner, vide letter dated 13.10.2009, had requested the respondents to provide information of the arrears; based on the representation of the petitioner, details of the arrears were intimated to him by the respondents by their letter dated 22.03.2010; dissatisfied with the said details, the petitioner had again approached this Court by filing W.P.No.10666 of 2010 which was also dismissed by order dated 30.04.2010, permitting the petitioner to pay the

arrears within a period of four weeks from the date of the said order i.e. 30.04.2010; instead of complying with the said order, the petitioner had filed the present Writ Petition; and the petitioner had to pay a sum of Rs.5,27,555.64 ps. upto March, 2010.

As has been noted hereinabove, this Court had, by its order dated 06.10.2010, directed the petitioner to pay half the said arrears, which is said to have been paid. While the petitioner claims that the respondents had illegally disconnected power supply, this assertion is denied in the counter-affidavit, I see no reason to undertake an examination of these disputed questions of fact in proceedings under Article 226 of the Constitution of India. The relief sought for in the Writ Petition cannot be granted. The Writ Petition fails and is, accordingly, dismissed.

Sri K.Bheema Rao, Learned Counsel for the petitioner, would request this Court to atleast permit the petitioner to make a representation in this regard, and for the respondents to consider the same. Suffice it to make it clear that the order now passed by this Court shall not disable the petitioner from making a representation; and for the respondents, if they so choose, from considering the same in accordance with law.

The Miscellaneous Petitions pending, if any, shall also stand closed. No order as to costs.

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**RAMESH RANGANATHAN, ACJ.**

Date:24.11.2017.

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