

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27553 of 2007

Balasubramanian

... Petitioner

Vs

Tamil Nadu Electricity Board
rep.by the Assistant Executive Engineer,
Electricity Distribution,
College Road,
Chennai-600 006.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records relating to the proceedings of the respondent made in Ka.N.U.Se.Po/ Ka.Salai/Mi.e.No.136--/A.No/07 dated 04.07 and quash the same.

For Petitioner : Mr.S.Elamurugan

For Respondent : Mr.P.R.Dilipkumar

O R D E R

The case of the petitioner is that he became the lessee of the building bearing Flat No.G-6, Ground Floor, Gems Court, Old No.14, New No.61, 15-6, Khader Nawas Khan Road, Nungambakkam, Chennai-600006 under the lease agreement dated 05.09.2005 executed by the owner of the building. As a lessee, the petitioner was paying the electricity consumption charges as demanded by the respondent Board in respect of Electricity Service Connection bearing No.136-009-257. While so, suddenly the impugned letter was issued by the respondent Board directing to pay a sum of Rs.1,11,607/- stating that the Audit Section has noted that the said sum has been left out previously and hence the same should be paid within seven days from the date of the impugned letter. The impugned letter has been addressed to the owner of the building. However, the petitioner has come up with this writ petition challenging the said letter on the ground that any illegal demand raised in connection with the service connection that is being used by him, could be challenged by him.

2.The learned counsel for the petitioner has submitted that without furnishing any copies of documents / assessment order relating to the said recovery, the impugned proceedings has been issued.

3.Mr.P.R.Dilipkumar, learned counsel, took notice for the respondent.

4.Heard the learned counsel on either side and perused the papers. The petitioner herein is the lessee of the building in question from 05.09.2005 as per the agreement between him and the owner of the building. The impugned proceedings claiming arrears by the Tamil Nadu Electricity Board has been issued in April 2007 only against the owner of the building. The petitioner has no locus standi to challenge the proceedings issued against his owner. But it is seen that the impugned proceedings does not indicate any document nor any notice has been issued to the said effect. Further, the impugned proceedings is bereft of any details as to the claim made by the Department, i.e, to which year the claim relates to and for what reason. Hence, the impugned proceedings is set aside and the matter is remanded back to the respondent, who shall issue proper notice and afford an opportunity of hearing to the owner of the building and thereafter, proceed against him in the manner known to law.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

To

The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Electricity Distribution,
College Road, Chennai-600 006.

+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No. 83037
+1cc to Mr.S.Elamurugan, Advocate, S.R.No. 83009

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RGN(CO)
GN(26/12/2018)