

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2649 of 2018
and
WMP.No.3277 of 2018

D.Sulochana
W/o.S.Doraisamy .. Petitioner

Vs.

The Executive Engineer / O & M / Mylapore,
TANGEDCA
97, M.G.R. Salai
Valluvarkottam 110 SS Complex
Nungambakkam,
Chennai-600 034. .. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to receive the payment for current electricity consumption charges Rs.1978/- (Jan 2018) for the domestic service connection LT Account No.135-021-51 and dispose the explanation given by the petitioner dated 19.01.2018 and not to disconnect the electricity service connection till the order is passed by the respondent.

For Petitioner: Mr.S.Doraisamy
For Respondent : Mr.P.R.Dilipkumar
standing counsel

O R D E R

Mr.P.R.Dilipkumar, learned standing counsel takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the respondent to receive the payment for current electricity consumption charges of Rs.1,978/- for the period of January 2018 for the domestic service connection and dispose the explanation dated 19.01.2018.

3. The case of the petitioner is as follows:-

The subject matter property originally belonged to one Krishnaswamy, who sold the same to one Vedha on 27.09.1987, who in turn sold the same to one John Britto on 28.06.2000. The petitioner purchased the said flat from the said John Britto on 02.03.2015. On 28.11.2017, the respondent issued a notice in the name of previous owner Krishnasamy, as if he is liable to pay a sum of Rs.13,709/- being the arrears of electricity charges payable for the period from May 2015 to May 2017. Therefore, the petitioner gave his explanation on 19.01.2018 disputing the said claim, by contending that the building was in a dilapidated condition and kept under lock and key and consequently, the said demand is not sustainable. However, the respondent is refusing to receive even the present electricity consumption charges of Rs.1,978/- and insisting upon the petitioner to pay the said sum of Rs.13,709/- also. The respondent also informed the petitioner that failure to pay the said sum would result in disconnection of the power supply.

4. The learned counsel for the petitioner re-iterated the above said contentions.

5. The learned standing counsel for the respondent submitted that the above said sum was demanded only by taking average current consumption and therefore, the petitioner cannot have any grievance.

6. Heard both sides.

7. It is seen that there is a dispute with regard to the said sum of Rs.13,709/-, for which the petitioner has already given the explanation on 19.01.2018. Therefore, it is for the respondent to consider the explanation and pass orders on its own merits and in accordance with law. Now, the petitioner is ready and willing to pay the current electricity consumption charges of Rs.1,978/- for the month of January 2018. Therefore, the respondent is directed to receive the said sum of Rs.1,978/- towards the current electricity consumption charges and consequently, dispose the explanation given by the petitioner dated 19.01.2018 on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Since the petitioner has come forward to pay the current electricity consumption charges, the respondent shall not disconnect the power supply, till an order is passed on the explanation given by the petitioner dated 19.01.2018.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

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Sub Assistant Registrar

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To

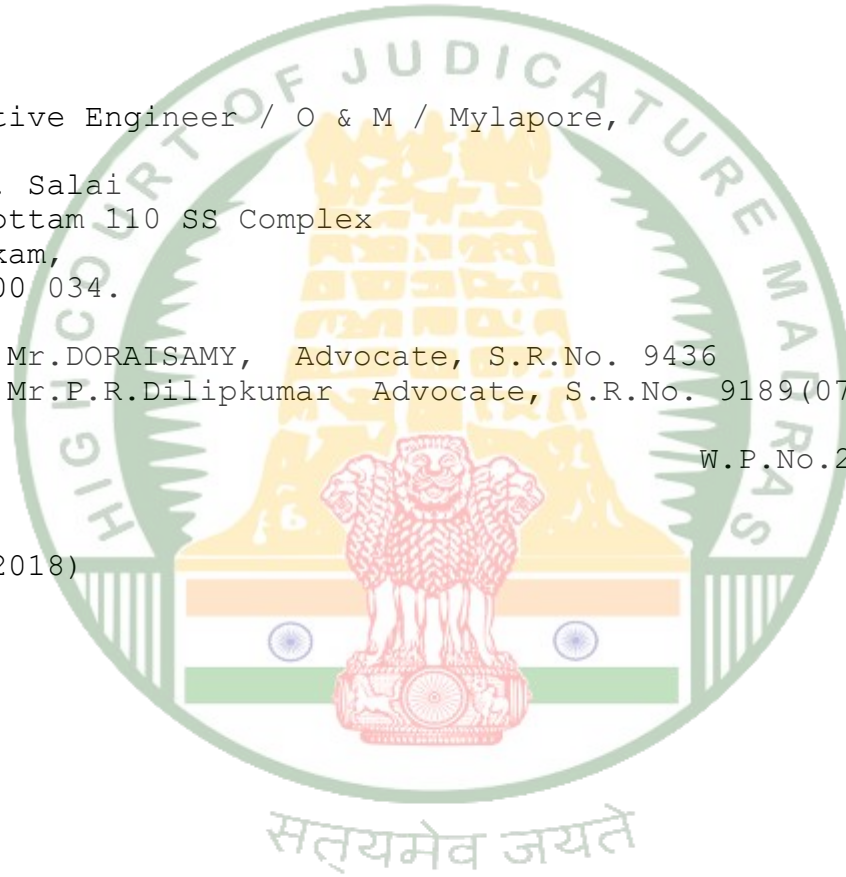
The Executive Engineer / O & M / Mylapore,
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Valluvarkottam 110 SS Complex
Nungambakkam,
Chennai-600 034.

+1cc to Mr.DORAISAMY, Advocate, S.R.No. 9436

+1cc to Mr.P.R.Dilipkumar Advocate, S.R.No. 9189(07/06/2018)

W.P.No.2649 of 2018

KJI (CO)
TR(19/02/2018)



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