

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.49977 of 2006

M.S.Indhumathy

.. Petitioner

Vs.

The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
T.Nagar Central
Chennai.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondent made in letter of the respondent in letter Ref.Ka.No./AEE/T.Nagar/Central/Ko.A/A.No.342 of 2006, dated 12.12.2006 and to quash the said letter of the respondent, dated 12.12.2006.

For Petitioner : Mr.Vijayan
For Mr.A.Janarthanam

For Respondent : Mr.P.R.Dhilip Kumar

O R D E R

The relief sought for in this writ petition, the order imposing the electricity charges by the respondent proceedings, dated 12.12.2006 as sought for in this writ petition.

2.The respondent in the impugned order as stated that an amount of Rs.29,782/- is to be paid within a period of seven days on account of certain mistakes in the electricity meter and it connection. The learned counsel for the petitioner made a submission that, no notice also should be provided to the writ petitioner even to submit his explanations and produce his documents in this regard.

3.The learned counsel for the respondent is unable to substantiate that an opportunity was provided to the writ petitioner before taking a decision and pass order of impugned in this writ petition.

4.Thus, this Court is of the opinion, that the writ petitioner is entitled to an opportunity and the competent authority has to conduct an enquiry in accordance with the Rules in force. Thereafter, take a decision and pass orders on merits and in accordance with law.

5.In this view of the matter, the order of impugned in this writ petition, dated 12.12.2006 passed by the respondent is quashed and the matter is remanded back to the respondent for re-consideration and in this regard, the respondents are bound to issue show cause notice to the writ petitioner and by providing an opportunity to defend the case, a decision is to be taken and thereafter, an order is to be passed on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. However, no order as to cost in this writ petition.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

msm

To

The Assistant Engineer (O & M)
Tamil Nadu Electricity Board
T.Nagar Central
Chennai.

+ 1 cc to Mr.A. Jenarthanam, Advocate Sr.3958
+ 1 cc to Mr. P. R. Dhilipkumar, Advocate SR.3741

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GJII(CO)
EU(23/02/2018)