



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.18462 of 2018

and

W.M.P.(MD)Nos.16366 and 16367 of 2018

Felix

... Petitioner

vs.

1.The Superintending Engineer,
Tamilnadu Electricity Board,
Pudukottai.

2.The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO, Manamelkudi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records pertaining to orders passed by the second respondent in his proceeding க.எண்.உ.மி.பொ/இகா/மணவை/கோ.இழப்பீடு/அ.எண்.03 118-19 dated 16.04.2018 and க.எண்.உ.மி.பொ/இகா/மணவை/கோ.இழப்பீடு/அ.எண்.52 118-19 dated 26.06.2018 and quash the same as illegal and consequently directing the second respondent to restore the petitioner's electricity service connection in S.C.No.421 effected in Survey No.92/1A1G1 situated at Vichur Village, Manamelkudi Taluk, Pudukottai District.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mrs.M.Rajeswari
for Mr.S.M.S.Johny Basha

O R D E R

According to the petitioner, he is an agriculturist and has been given free electricity service connection in S.C.No.421 to enable him to supply water for irrigation. It appears that on 29.05.2003, the second respondent lodged a complaint before the Inspector of Police, Manamelkudi Police Station alleging that the petitioner committed a theft of electricity. A case was registered in Cr.No.132 of 2003 and the petitioner was tried. After the trial, the Principal Sessions Judge, Pudukottai, by his judgment dated 14.02.2017 convicted the petitioner and imposed a fine of Rs.10,000/-(Rupees Ten thousand only). Thereafter, the second respondent issued proceedings on 16.04.2018 and 26.06.2018 directing the petitioner to pay a sum of Rs.1,58,730/-(Rupees One Lakh Fifty Eight thousand Seven Hundred and Thirty only) as compensation for

the loss caused by him to the department. Thereafter, the second respondent also disconnected the service connection No.421. In view of the disconnection of the electricity, the petitioner was unable to supply water for his agriculture purpose.

2. When the matter is taken up for hearing, the learned Counsel appearing for the petitioner would submit an affidavit of undertaking to make good the demand by the respondents in 10 monthly installments commencing from 01.10.2018 and ending on 01.07.2019. According to the affidavit, the following payments have been undertaken to be paid on the dates mentioned as found in paragraph No.4 of the affidavit of undertaking which is as follows:

"4. I submit that since the crops are waiting for water and due to the disconnection, I am not able to supply water to the crops. Hence, I hereby undertake to remit the notice mentioned amount of a sum of Rs.1,58,730/- in 10 monthly installments as stated in the following tabular column;

Sl.No.	Installment Date	Amount
1.	01.10.2018	Rs.16,000/-
2.	01.11.2018	Rs.16,000/-
3.	03.12.2018	Rs.16,000/-
4.	02.01.2019	Rs.16,000/-
5.	01.02.2019	Rs.16,000/-
6.	01.03.2019	Rs.16,000/-
7.	01.04.2019	Rs.16,000/-
8.	02.05.2019	Rs.16,000/-
9.	03.06.2019	Rs.16,000/-
10.	01.07.2019	Rs.14,730/-

Therefore, the learned Counsel appearing for the petitioner submitted that the respondents may be directed to restore the electricity service connection on payment of first installment.

3. The learned Counsel appearing for the respondents would submit that this Court may take the affidavit of undertaking on record and direct the respondents to restore the electricity service connection to the petitioner on payment of restoration charges by the petitioner. She would also submit that in case any further default on payment of the amount as mentioned above in the affidavit of undertaking, the respondents should be given liberty to disconnect the electricity service connection.

4. Considering the submissions made by the learned Counsel appearing for the respondents as well as the affidavit of undertaking, the Writ Petition is disposed of by giving following directions:



(i) The petitioner is directed to stand by the commitment of 10 monthly installments as payable as indicated in paragraph No.4 of the affidavit of undertaking without any default;

(ii) The respondents are directed to restore the electricity service connection (S.C.No.421) to the petitioner on payment of first installment ie., on 01.10.2018 of Rs.16,000/- forthwith; and

(iii) In case, the petitioner commits any default of any payment as indicated above, it is open to the respondents to cause disconnection to the electricity connection.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-II)

TO

- 1.The Superintending Engineer,
Tamilnadu Electricity Board,
Pudukottai.
- 2.The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO, Manamelkudi,
Pudukottai District.

+1CC TO MR.T.LENIN KUMAR ,ADVOCATE IN SR.NO.86309.

SSL
DS SV SAR-2:25.09.2018: 3P/4C

W.P.(MD) No.18462 of 2018
24.09.2018