



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.17971 of 2018

and

W.M.P. (MD) Nos.15852 & 15853 of 2018

S.Subbulakshmi

... Petitioner

vs.

The Assistant Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Shencottah-627 809
Tirunelveli District.

... Respondent

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 impugned proceedings issued by the respondent in Lr No.AEE/D/SCT/F.Theft/D.No.260 dated 14.5.2018 and quash the same and consequently directing the respondent to restore the free service connection in S.C.No.031-007-145 situated at Muthu Vinayagapuram Village, Tenkasi Taluk, Tirunelveli District, within a stipulated time.

For Petitioner : Mr.K.K.Senthil

For Mr.P.Mahendran

For Respondent : Mr.G.Kasinathadurai

Standing Counsel

O R D E R

Mr.G.Kasinathadurai, learned standing counsel, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The principal ground, on which the impugned order is assailed in this writ petition, is that as per the provisions of the Tamil Nadu Electricity Supply Code, no personal hearing has been granted to the petitioner before the impugned order came to be issued.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the petitioner would also draw the attention of this Court to the Judgment, dated 19.12.2016, made in



W.A.No.1523 of 2010, wherein the Honourable Division Bench of this Court, under similar circumstances, allowed the case of the appellant therein as against the Tamil Nadu Electricity Board.

5. In view of the provisions contained in the Tamil Nadu Electricity Supply Code for providing personal hearing to the consumer and the same having not been granted to the petitioner before the impugned order came to be issued, this Court, in the fitness of things, would pass the following directions:

- i. The writ petition is allowed.
- ii. The impugned order, dated 14.05.2018, passed by the respondent, is set aside.
- iii. The matter is remitted back to the file of the respondent for fresh consideration.
- iv. The respondent is directed to grant personal hearing to the petitioner as early as possible, but not later than ten days from today (i.e.14.08.2018).
- v. Thereafter, on getting such explanation being given by the petitioner in the personal hearing, the respondent is directed to pass appropriate orders.
- vi. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Assistant Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Shencottah-627 809
Tirunelveli District.

+ 1 CC TO Mr.P.MAHENDRAN, ADVOCATE IN SR No. 78605
+ 1 CC TO Mr.G.KASINATHA DURAI, ADVOCATE IN SR No. 78483

KRK

TE/SKN-RSK/SAR-4 : 20/08/2018 : 2P/4C

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