



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A.(MD)No.1389 of 2011

and

M.P(MD)No.1 of 2011

and

WP(MD)No.9801 of 2011

Ganapathy

... Appellant/
Petitioner

Vs.

1.The Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Pudukkottai.

2.Tamil Nadu Generation and Distribution Corporation,
represented by
The Assistant Engineer,
(O & M), Town North,
Pudukkottai.

... Respondents/
Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in W.P(MD)No.9801 of 2011, dated 13.10.2011, insofar as it stipulates the conditions of payment of the amount set out in Letter bearing No.A.E/E.Ka./N/V/PDKT/Ko.Kattu/D.No.102/11-12, dated 19.07.2011 passed by the second respondent.

Prayer in WP(MD). 9801/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus, calling for the records in f.vz; ckpbgh/n.fh/e/t/g(Jif/Bfh.fl;L/m.vz; 102/11-12/19.7.11 passed by the 2nd respondent and quash the same and consequently direct the Ist respondent forthwith effect re connection in respect iof S.C.No. 113-020-1157 in respect of the petitioners premises bearing Door No. 5850/1, Santhanapuram 5th street, Sri Ganapathy Mess, Pudukkottai.

For Appellant

: Mr.T.Antony Arul Raj

For Respondents

: Mrs.Rajeswari
for Mr.S.M.S.Johnny Basha

JUDGMENT

(Judgment of the Court was delivered by M.SATHYANARAYANAN, J.)

The writ petitioner is the appellant and he made a challenge to the impugned demand of Rs.1,42,320/- (Rupees One Lakh Forty Two Thousand Three Hundred and Twenty only) raised by the second respondent towards theft of electrical energy. The said writ petition, after contest, came to be dismissed, vide impugned order dated 13.10.2011 and hence, this writ appeal.

2. The learned Judge while dismissing the writ petition has directed the appellant/writ petitioner to pay 1/3rd of the amount demanded within a period of two weeks from the date of receipt of a copy of the order and on such payment, a direction was given to the respondents to temporarily restore the electricity service connection.

3. Mr.T.Antony Arul Raj, learned Counsel for the appellant/writ petitioner would submit that despite his efforts to contact his client, he is not turning up and hence, made an attempt to canvass the appeal on merits.

4. However, the learned Standing Counsel appearing for the respondents, on instructions, would submit that the appellant/writ petitioner has complied with the conditional order and however, he could not remit the balance amount as ordered by this Court within a further period of eight weeks and therefore, the electricity service connection was disconnected and since he urgently required the same, has undertaken to remit the balance amount to the second respondent and also sent a letter dated 15.03.2013 to the second respondent and the said amount has been paid and the electricity service connection has been restored.

5. In the light of the said development, nothing survives for further adjudication in this writ appeal and therefore, this writ appeal is closed. In the facts and circumstances of the case, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintending Engineer,

Pudukkottai Electricity Distribution Circle, Pudukkottai.

2.The Assistant Engineer,

Tamil Nadu Generation and Distribution Corporation,

(O & M), Town North, Pudukkottai.

+One cc to Mr.T.Antony Arul Raj, Advocate, SR.No.49101

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RL/4C/2P/SKN/RSK/SAR1/23/2/2018

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