

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.17336 of 2012 and
M.P.No.1 of 2012

Vimalan

... Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited rep. By its Chairman, NPKRR Maaligai, 144, Anna Salai, Chennai-600 002.
2. The Assistant Engineer, Operation and Maintenance, Mekkalachinampalli, Krishnagiri Taluk and District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to his Proceedings in L.No.AE/E.Pa/M.C.Palli/Ko.Kattu/No.Nadappu/2012 dated 26.6.2012, quash the same and direct the respondents to restore the electricity supply to SC No.480/IV, Maharajakadai, Mekkalachinnampalli Distribution Circle.

For Petitioner : Mr.Abrar Mohamed Abdullah

For Respondents: Mr.M.Varun Kumar,
Standing Counsel

O R D E R

Challenging the impugned Proceedings of the 2nd respondent in L.No.AE/E.Pa/M.C.Palli/Ko.Kattu/No.Nadappu/2012 dated 26.6.2012 calling upon the petitioner to pay Rs.1,91,816/- towards excess levy since the petitioner was allegedly found using free electricity service connection for brick works, the present Writ Petition has been filed.

2. Learned Counsel appearing for the petitioner assailing the impugned order submitted that the brother of the petitioner Mr.R.Thirumoorthy applied for

Electricity Service Connection in respect of 1.5 acres of agricultural land in Maharajakadai Village, Krishnagiri District, which was inherited by them from their father to connect with the bore well and the same was given with a sanctioned load of 5 HP. After installing the electricity motor pump set, they were cultivating the land with the help of the said Electricity Service Connection. His brother has been looking after the cultivation and the petitioner is a Conductor in the Tamil Nadu State Transport Corporation, Salem. After sometimes, his brother also stated the work of putting up a Brick Klin for construction of his own house in the village. Since he had inadvertently used the water from the bore well for the purpose of cutting of the bricks, on 26.6.2012, an Anti Power Theft Squad, Dharmapuri inspected the petitioner's land and claimed that the different user of the water amounts to theft of electricity and on the same day, collected Rs.16,000/- towards compounding fee from the petitioner's brother. However, the 2nd respondent also disconnected the power supply for the motor pump set and also issued a Proceedings dated 26.6.2012 asking the petitioner to pay a sum of Rs.1,91,816/- informing the petitioner that only on payment of the said amount, the electricity power connection shall be restored. According to the learned Counsel for the petitioner, it is not known on what basis the said huge sum of Rs.1,91,816/- has been arrived at.

3. A detailed counter affidavit has been filed by the respondents.

4. Learned Standing Counsel appearing for the respondents submitted that even though the basis for raising a sum of Rs.1,91,816/- has not been given either in the impugned order or in the counter affidavit, however, he is also having the details on what basis, the huge amount of Rs.1,91,816/- has been raised.

5. As this Court is unable to see any basis for arriving at the huge sum of Rs.1,91,816/- either in the counter affidavit or in the impugned order, the impugned order is liable to be set aside. Accordingly, the impugned order dated 26.6.2012 is set aside. The respondents are directed to issue a fresh notice indicating the basis on which the amount of Rs.1,91,816/- has been raised. It is for the petitioner to give his reply to the same on receipt of the notice and thereafter, it is for the respondents to decide the matter expeditiously.

6. At this stage, the learned Counsel for the petitioner submitted that the petitioner has deposited Rs.25,000/- for restoring the electricity connection. The same has been recorded.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation Limited,
NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.

2. The Assistant Engineer,
Operation and Maintenance,
Mekkalachinampalli,
Krishnagiri Taluk and District.

+1cc to Mr.M.Varun Kumar , Advocate SR.No. 84278
W.P.No.17336/2012

A.SK(23/10/2019)

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