

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.27852 of 2012 and
M.P. Nos.1 and 2 of 2012

Krishnan

.. Petitioner

-vs-

1.The Assistant Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Bargur, Krishnagiri District.

2.The Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Dharmapuri.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the first respondent, relating to the Notice in Letter No.Vu.Che.Po./E/Pa/Tha/Va.Aaa./Ko.19 No. Camp/12-13 dated 29.08.2012 and quash the same and consequently direct the first respondent to restore the power supply to the electricity service connection No.422/IV in respect of the petitioner's agricultural land at Madanakuppam Village, Krishnagiri District.

For Petitioner : Mr.M.V.Krishnan

For Respondents : Mr.M.Varunkumar,
Standing Counsel

ORDER

When the matter is taken up for hearing, learned Standing Counsel appearing for the respondents would fairly submit that after the issuance of the impugned provisional assessment order, the petitioner has given his objections. Thereafter, the respondents are bound to give personal hearing to the petitioner before passing the final assessment order. Since the final assessment order has been passed without giving an opportunity of personal hearing to the petitioner, the order could be set aside.

2.This Court, agreeing with the case of the petitioner that final assessment order has been passed without giving any opportunity of personal hearing to the petitioner, finds no impediment to allow the writ petition. Accordingly, the impugned order is set aside and the respondents are hereby directed to provide an opportunity of personal hearing to the petitioner and thereafter, considering the objections given by the petitioner to the provisional assessment order, pass orders, on merits, within a period of four weeks from the date of receipt of a copy of this order.

3.Needless to mention that the respondents shall issue notice of hearing mentioning the date and time before passing appropriate orders. With the above direction, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

vga

To

1.The Assistant Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Bargur, Krishnagiri District.

2.The Executive Engineer,
(Operation & Maintenance),
Tamil Nadu Electricity Board,
Dharmapuri.

+1cc to Mr.M.Varunkumar, Advocate SR.No.83060

+1cc to Mr.M.V.Krishnan, Advocate SR.No.82751

W.P. No.27852 of 2012 and
M.P. Nos.1 and 2 of 2012

SVI (CO)
GMY (07/11/2019)