

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.25432 of 2013

Periyasamy

... Petitioner

Vs

The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri-636 705.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order of the respondent herein, namely, the Superintending Engineer, Krishnagiri Electricity Distribution Circle, Tamil Nadu Electricity Board at Krishnagiri in Ref.No.Me.Po/Podhu/Oo.Po-2/Ka.Amalakkam/No.578/13 dated 29.5.2013 and to quash the same.

For Petitioner : Mr.N.E.A.Dinesh

For Respondent : Mr.M.Varun Kumar,

Standing Counsel

ORDER

Challenging the correctness of the impugned order dated 29.05.2013 passed by the Superintending Engineer, Krishnagiri Electricity Distribution Circle, Tamil Nadu Electricity Board at Krishnagiri and to quash the same, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that when the petitioner came to this Court with W.P.No.6136/2013 to consider and decide the appeal dated 10.09.2012 filed by him against the order of final assessment of the 1st respondent therein, namely, the Assistant Executive Engineer, Operation and Maintenance, TANGEDCO, Tamil Nadu Electricity Board, Mathur, Pochampalli Taluk, Krishnagiri District, this Court by an order dated 13.3.2013 while disposing of the said writ petition directed the Superintending Engineer, Krishnagiri Electricity Distribution Circle, the 2nd respondent therein to dispose of the

appeal of the petitioner dated 10.09.2012 on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of that order. As against the order passed by this Court, the appeal has been wrongly disposed of without hearing the petitioner is now the grievance of the petitioner.

3. In support of his submission, the learned Counsel for the petitioner reiterating the reasons mentioned in the impugned order stated that there is no reference made in the impugned order that the petitioner was heard while disposing of the appeal. Even the counter affidavit filed by the respondent does not show that the petitioner was heard by the 2nd respondent while disposing of the appeal.

4. I find some merits in the said submission, for, the petitioner was not heard before passing the impugned order, therefore, there is a violation of the principles of natural justice. In view of the above, the impugned order of the respondent dated 29.5.2013 is set aside. The respondent herein is directed to hear the petitioner and thereafter pass appropriate orders on the appeal filed by the petitioner dated 10.09.2012 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

5. With the above direction, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Superintending Engineer,
Krishnagiri Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Dharmapuri-636 705.

+1 cc to M/s.M.Varun Kumar, Advocate Sr.No.86348
+1 cc to Mr.V.Nocholas, Advocate Sr.No.86157

AKM/19.11.19/2P- 4C /

W.P.No.25432 of 2013