

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.9219 of 2019 and
WMP.No.9762 of 2019

S.Palani

... Petitioner

Vs

The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Operation & Maintenance,
K.K.Nagar, CEDC/South,
K.K.Nagar, Chennai.

.... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to restore the Electricity Service Connection bearing Service Connection in SC.No.237 020 1568 at Door No.20/41, 69th Street, R.V.Nagar, Jaferkhanpet, Ashok Nagar, Chennai-83.

For Petitioner : Mr.M.Muthappan
for M/s.V.R.Annagandhi
For Respondent : Mr.S.K.Raameshuwar,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to restore the Electricity Service Connection bearing Service Connection SC.No.237 020 1568 at Door No.20/41, 69th Street, R.V.Nagar, Jaferkhanpet, Ashok Nagar, Chennai-83 of the petitioner.

2. Learned Counsel appearing for the petitioner submitted that the petitioner is the owner of the house at Door No.20/41, 69th Street, R.V.Nagar, Jaferkhanpet, Ashok Nagar, Chennai-83 and he has got Service Connection in SC.No.237 020 1568 for the said house and he has been regularly paying the electricity consumption charges without fail. While so, the Superintendent of the respondent visited the petitioner's place for reading the meter and he has also made an endorsement of meter reading on 23.2.2019 showing the consumption of energy at 790 units for which the amount payable was Rs.3694/- and the last date for payment of electric bill was on 15.3.2019. In the meanwhile, due to his old age, the petitioner fell ill and he is constantly suffering from partial paralysis due to nerves failure and he is also taking treatment thereof. In spite of the treatment, he is

still suffering from the ailment. When the petitioner went to the office of the respondent for paying the electricity charges on 12.03.2019 at 10.30 a.m., the respondent refused to receive the amount directing the petitioner to contact the office of the Superintending Engineer and thereafter, he was also informed on 12.03.2019 that he was wrongly using the service connection. Therefore, the service connection was disconnected.

3. The learned Counsel for the petitioner further submitted that since there has been an allegation of theft of electricity and the petitioner has been directed to pay a sum of Rs.2,00,000/- in one lump sum, he is not able to make the said payment. However, now, he is prepared to clear the entire amount in six monthly instalments.

4. Mr.S.K.Raameshuwar, learned Standing Counsel for the respondent submitted that as the petitioner was detected for stealing the electricity, he cannot be shown any leniency. The learned Standing Counsel further submitted that a criminal case also has been registered as against the petitioner for non-payment of compounding charges.

5. However, considering the fact that the petitioner is constantly suffering from partial paralysis due to nerves failure and taking treatment thereof and also considering the undertaking given by the petitioner that he is ready to clear the entire amount along with compounding charges within six months, this Court directs the petitioner to settle the entire amount along with compounding charges in three monthly instalments by paying 30% of the amount in the first instalment within 30 days from the date of receipt of a copy of this Order and another 30% of the amount in the 2nd instalment within another 30 days and the balance in the 3rd instalment within 30 days after making the 2nd instalment. On payment of the first instalment, the respondent is directed to restore the electricity service connection to the petitioner's house at Door No.20/41, 69th Street, R.V.Nagar, Jaferkhanpet, Ashok Nagar, Chennai-83. If there is any default, it is open to take appropriate action against the petitioner.

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

-s/d-

Assistant Registrar(Cs)

True Copy

Sub-Assistant Registrar

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To
The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Operation & Maintenance,
K.K.Nagar, CEDC/South,
K.K.Nagar, Chennai.

+1cc to Mr.V.R.AnnaGandhi, Advocate in sr.no.40890
+1cc to Mr.S.K.Rameshwar, Advocate in sr.no.40371

W.P.No.9219 of 2019

vum (21/05/2019)



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