



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 6289 Of 2019 and
WMP (MD) .Nos. 5012 and 5013 of 2019

V. Sankaranarayanan

... Petitioner

Vs

- 1.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Limited,
Maahalipatti Distribution,
Madurai Town, Madurai-01.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Limited,
Anuppanadi Distribution, Madurari - 09.
- 3.A-2656, Southern Railway Employees and
General Co-operative Building Society Ltd.,
Near Solaimalai Theatre,
Arasaradi, Madurai.

4.J.Stephen Simson

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus calling for the records relating to the impugned bill dated 07.02.2019 generated by the 1st respondent for his electricity connection No.050330031515 and set aside the same as illegal and arbitrary, consequently, directing the 1st respondent not to disconnect the same at any time in future for the same reasons.

For Petitioner : Mr.R. Sevugaraja

For R1 and R2 : Mr.S.M.S. Johny Basha

**ORDER**

Heard the learned counsel on either side.

2. The Writ Petitioner questions the impugned Bill dated 07.02.2019, wherein the respondents 1 and 2 have raised a demand for payment of sum of Rs.6,68,948/-.

3. When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 2 pointed out that there is already a writ proceedings filed in WP(MD).No.24950 of 2016 questioning a similar demand. The learned Judge granted interim order in favour of the Writ Petitioner in WMP(MD).No.18045 of 2016 on 23.12.2016. But, then, the Writ Petitioner herein was put on terms. The petitioner was directed to deposit a sum of Rs.2,00,000/- on or before 22.01.2017. The petitioner admittedly did not comply with the said condition. He filed Writ Appeal questioning the imposition of the said condition. But, he would fairly state that the Hon'ble Divisional Bench has not granted any interim order. As the condition imposed by this Court was not complied with by the Writ Petitioner, the interim order granted in his favour in W.P(MD).No.18045 of 2016 automatically got vacated. However, there is no such specific default clause mentioned in the said order. That being so, the respondents 1 and 2 herein have only sought to enforce the original demand.

4. I find no ground to interfere with the order passed by the respondents. Hence, this Writ Petition stands dismissed. I am of the view that when the petitioner complies with the condition imposed in WMP(MD).No.18045 of 2016 in WP(MD).No.24950 of 2016 or gets favourable orders in the Writ Appeal filed against order dated 23.12.2017, it is always open to the petitioner to file a fresh petition on the very same cause of action. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Limited,
Maahalipatti Distribution,
Madurai Town, Madurai-01.



2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
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ES/SP/15.04.2019/3P/3C