

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 24216 of 2012

and

M.P. No. 1 of 2012

T.Madumathi

.. Petitioner

Vs.

1. The Chairman
Tamilnadu Electricity Regulatory Commission
19-A, Rukmini Lakshmipathi Road
Egmore, Chennai - 8.
2. The Chairman
Tamilnadu Electricity Board
NPKRR Maligai
156, Annasalai
Chennai - 600 002.
3. Chief Engineer
Tamilnadu Electricity Board
948, EVN Road
Erode - 9.
4. Superintending Engineer cum Chairman
Mettur Electricity Distribution Circle
Central Office
Mettur Dam - 636 401.
5. Assistant Engineer (O&M)
Tamilnadu Electricity Board
Vellar Village
Mettur Taluk
Salem District - 636 451.

6. Mr.P.Raman

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records relating to the Ka.No.Mi.Nu.Ku.Ma/Mettur.No.1/2011 dated 26.03.2011 on the file of the fourth respondent, consequently, the records relating to

the TNEO/F.Omb.RTI/108 of 2011/D/No.455 dated 19.04.2011 on the file of the first respondent quash the same, further directing the respondents 1 and 3 to make a detail enquiry about the complaint given by the petitioner as against the sixth respondent herein after giving an affordable opportunity to put forth and set forth the petitioner side evidence.

For Petitioner : Mr. R.Ezhilarasan

For Respondents : Mr. N.Damodaran

O R D E R

Heard Mr. R.Ezhilarasan, learned counsel for the petitioner and Mr. N.Damodaran, learned Standing Counsel takes notice for the respondents.

2. The petitioner seeks to quash the proceedings in Ka.No.Mi.Nu. Ku.Ma/ Mettur.No.1/2011 dated 26.03.2011 passed by the fourth respondent and in TNEO/F.Omb.RTI/108 of 2011/D/No.455 dated 19.04.2011 passed by the first respondent, and consequently, to direct respondents 1 and 3 to make a detail enquiry about the complaint given by the petitioner as against the sixth respondent herein.

3. The petitioner's grievance is that the sixth respondent, who was then working as Assistant Executive Engineer, Tamilnadu Electricity Board, Ammapet, Bhavani, Erode District, has himself remitted a sum of Rs.35,120/- in the name of the petitioner and effected electricity connection through an alternate route. The petitioner wants an enquiry to be conducted in this regard.

4. The matter was examined by the authority and it was rejected by the fourth respondent, namely, the Superintendent Engineer-cum-Chairman, Mettur Electricity Distribution Circle, Central Office, Mettur Dam. The counter affidavit filed by the fourth respondent shows that the amount has been remitted by the petitioner himself and it is false to allege that the sixth respondent remitted the money. It is not clear as to why the sixth respondent has to remit such huge sum of Rs.35120/- on behalf of the petitioner. The petitioner's case is that the sixth respondent was delaying the consideration of his application to grant of electricity connection and fearing that the petitioner will make a complaint against him, remitted the money out of his own packet. This story is unbelievable.

5. In any event the fourth respondent, who is the Superintendent Engineer-cum-Chairman, Mettur Electricity Distribution Circle, Central Office, Mettur Dam has taken a clear stand that the petitioner has remitted the money, which is

being denied by the petitioner. In such scenario, this Court can not adjudicate the dispute with regard to the question of fact and the remedy is not to file writ petition in this regard. That apart, this Court is not convinced with the stand taken by the petitioner holding that the sixth respondent has remitted the huge amount of money in favour of the petitioner.

6. Thus, for the above reasons, no ground is made out to interfere with the impugned proceedings in this writ petition. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

may

To

- 1.The Chairman,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmipathi Road,
Egmore, Chennai-8.
- 2.The Chairman,
Tamil Nadu Electricity Board,
NPKRR Maligai, 156, Anna salai,
Chennai 600 002.
- 3.The Chief Engineer,
Tamil Nadu Electricity Board,
948, EVN Road, Erode-9.
- 4.Superintending Engineer cum Chairman,
Mettur Electricity Distribution Circle,
Central Office, Mettur Dam-636401
- 5.Assistant Engineer (O& M)
Tamil Nadu Electricity Board,
Vellar Village, Mettur Taluk,
Mettur Taluk, Salem District 6364511

+1cc to M/s.R.Ezhilarasan, Advocate, S.R.No.19996

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cp(CO)
jrs(29/05/2020)