



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33911 of 2012
and M.P.No.1 of 2012

M.Devarajan

...Petitioner

vs.

1.The Authorised Officer
Assistant Executive Engineer
Operation and Maintenance,
Pattabiram/CEDC/West
Tamil Nadu Electricity Board,
Pattabiram, Chennai - 72.

2.S.Kumar

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records of the impugned order culminating in the order passed by the 1st respondent in Letter No.AEE/O&M/PBM/File-Theft/D.No.165/12-13 dated 05.11.2012 as far as the petitioner is concerned and quash the same.

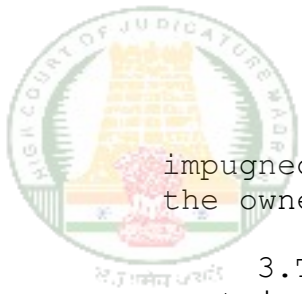
For Petitioner : Mr.V.Jeevagiridharan

For Respondents : Mr.P.R.Dhilip Kumar for R1
Standing Counsel
R2 - No appearance

O R D E R

Heard Mr.V.Jeevagiridharan, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned standing counsel appearing for the first respondent.

2.The petitioner is the owner of the premises in question in which there was a tenant by name S.Kumar, the second respondent. A separate electricity service connection was granted in the name of the second respondent bearing SC No.050-139-1313. An inspection was conducted on 08.10.2012 in which, it was found that the second respondent has committed theft of energy. Consequently, proceedings have been initiated culminating in the



impugned demand which has been served on the petitioner, who is the owner of the premises.

3.The only ground on which the respondent Board seeks to sustain the impugned demand is by stating that the petitioner has given no objection for granting separate electricity service connection in favour of the second respondent tenant.

4.It may be true that the petitioner has given no objection certificate for granting separate electricity service connection for the second respondent tenant. However, if the second respondent commits a criminal act of theft, liability cannot be fasten on the petitioner merely because, the second respondent is not traceable. Therefore, the impugned demand issued in the name of the petitioner is without jurisdiction.

5.Hence, for this reason, the writ petition is allowed and the impugned order is quashed. No costs. Consequently, connected miscellaneous petition is closed. However, liberty is granted to the respondent Board to proceed against the second respondent.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Authorised Officer,
Assistant Executive Engineer,
Operation and Maintenance,
Pattabiram/CEDC/West
Tamil Nadu Electricity Board,
Pattabiram, Chennai - 72.

+lcc to Mr.V.Jeevagiridharan, Advocate Sr.21702
+lcc to Mr.P.R.Dhilipkumar, Advocate Sr.21929

W.P.No.33911 of 2012

nrjk[co]
srg 09/07/2020