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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM:

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

W.P.No.35155 of 2012
and M.P.Nos.1 & 2 of 2012

S.Subramani

...Petitioner

vs.

1. Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Harur Rural, Harur Taluk,
Dharmapuri District.
2. Assistant Executive Engineer,
Enforcement, TANGEDCO,
Dharmapuri,
Dharmapuri District.
3. Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Harur North, Harur Taluk,
Dharmapuri District.
4. Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
Dharmapuri & District.

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant of the impugned final assessment orders dated 26.7.2012 in Lr.No.AEE/O&M/RURAL/HARUR/F:Doc/D.No.179/12-13 and 11.12.12 in Lr.No.AEE/O&M/RURAL/HARUR/F:Doc/D.No.356/12-13 passed by the 1st respondent against the petitioners, and to quash the above said impugned orders and consequently direct the respondents to restore the electric pumpset service connection No 4, TF-IV of H.Eachambadi distribution of the petitioner which was disconnected on 04.07.2012 and also to refund the above amount of Rs.18,000/- collected from the petitioner as a consequential or further relief.



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For Petitioner : Mr.R.Ezhilarasan

For Respondents : M/s.M.Varunkumar
Standing Counsel

O R D E R

Heard Mr.R.Ezhilarasan, the learned counsel appearing for the petitioner and M.Varunkumar, learned Standing Counsel appearing for the respondents/TANGEDCO.

2.The petitioner has filed a writ petition challenging the order passed by the first respondent dated 11.12.2012.

3.This Court need not go into the merits of the matter, because, this Court is satisfied that the impugned order is unsustainable for the reason that, the same has been passed without following the order passed by the Superintending Engineer, DEDC/ Dharmapuri dated 29.08.2012 wherein the earlier final assessment order dated 26.07.2012 was cancelled and the matter was remanded to the first respondent to conduct an enquiry and issue final assessment order.

4.Unfortunately, the first respondent did not understand the scope of the direction issued by the Superintending Engineer and has verbatim passed the same order with no discussion, without conducting enquiry, etc. Therefore, the impugned order is unsustainable in the eye of law.

5. Hence, the writ petition is allowed, the impugned order is quashed and the matter is remanded to the first respondent for fresh consideration, who shall afford an opportunity of personal hearing to the petitioner and peruse all the documents and pass a fresh speaking order on merits and in accordance with law. This direction shall be complied with, within a period of three months from the date of receipt of a copy of this order. It is seen that the petitioner has remitted 50% of the amount pursuant to interim order passed by this Court. The same shall be retained in deposit and abide by the orders to be passed by the first respondent in terms of the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pam



To

1. Assistant Executive Engineer,
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Dharmapuri Electricity Distribution Circle,
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+1cc to Mr.M.Varumkumar, Advocate, S.R.No.22206

W.P.No.35155 of 2012

LN(CO)
KKV/14/07/2020