



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

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

W.P.No.26109 of 2016

M.A.M'd Karmathullah

.. Petitioner

Vs.

1.The Chairman,
TANGEDCO, Anna Salai,
Chennai - 2.

2.Senior Engineer,
SE/CEDC/North - TANGEDCO, Vyasarpadi,
Chennai - 39.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to repay the sum of Rs.98,717/- (Ninety eight thousand and seven hundred and seventeen rupees only) which was collected from the petitioner illegally within the period stipulated by this Court.

For petitioner : Mr.S.Balasubramanian

For Respondents : Mr.P.R.Dilipkumar,
Standing Counsel

ORDER

Heard Mr.S.Balasubramanian, learned counsel for the petitioner and Mr.P.R.Dilipkumar, learned Standing Counsel for the respondents.

2. The petitioner seeks for a direction upon the respondents to repay a sum of Rs.98,717/-, which, according to the petitioner, has been collected illegally by the officials of the respondent Board by exerting threat and coercion.

3. It is submitted by the learned counsel for the petitioner that there was an inspection in the petitioner's property by the Assistant Engineer of the respondent Board and during the inspection, it is alleged that two wires were found disconnected, which, according to the respondent, amounts to theft of electricity. Therefore, the petitioner has been called upon to pay a sum of Rs.6,000/- for the alleged consumption charges and a sum of Rs.92,717/-, which, according to the petitioner, was collected as if a penalty.



4. The petitioner's grievance is that no notice was issued and no enquiry was conducted and no assessment order was passed and the petitioner is kept under dark as to how a sum of Rs.92,717/- was computed. Setting out all these facts, the petitioner submitted a representation dated 02.06.2016 and the same was received by the first respondent on 08.06.2016. Since there was no reply from the respondents, the petitioner has filed the present writ petition.

5. Learned Standing counsel appearing for the respondent Board submitted that the petitioner has admitted his guilt and had paid the entire amount. Though it may be so, since the petitioner has raised an objection, it is necessary that the concerned authority, namely, Assistant Engineer of the Board, incharge of the said Distribution Circle, should conduct an enquiry in the matter.

6. In the light of the above, there will be a direction to the concerned authority of the second respondent to issue a notice under Sections 126 and 135 of the Electricity Act within a period of three weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioner is directed to submit his reply within a period of two weeks thereafter. On receipt of the reply from the petitioner, the concerned authority shall conduct an enquiry and pass a reasoned order on merits and in accordance with law within a period of four weeks therefrom. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman,TANGEDCO, Anna Salai, Chennai - 2.
- 2.The Senior Engineer, SE/CEDC/North - TANGEDCO, Vyasarpadi, Chennai - 39.

+1 cc to M/s.R.Dhilipkumar,Advocate Sr.No. 8824

AKM/27.02.2020/2P-4C /

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