

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.3.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.23683 OF 2017 & WMP.NO.24883 OF 2017

V.Rajan

...Petitioner

Vs

1.The Superintending Engineer,
Villupuram Distribution Circle,
TANGEDCO, Villupuram.

2.The Junior Engineer, TANGEDCO
EP/South/TANGEDCO, TANGEDCO,
Tiruchitrabalam, Vanur Taluk,
Villupuram District.

Respondents

PETITION under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent herein relating to the impugned order bearing Ref. Ka.No.JE/S/Thiruchitrabalam/File.B/A.No./2013 dated 22.7.2014 and letter No.JE/EP/S/Thiruchitrabalam/File N/A.No.114/2016 dated 28.10.2016 and on the file of the 1st respondent bearing Ref.No.K.No.SE/VEDC/VM/AEE/C&M/Tho.A/AE/KO/File No.109/2017 dated 19.4.2017, quash the same and consequently direct the respondents to forthwith grant electricity connection to the petitioner's premises being one shop at R.S.13/1, Thiruchitrabalam Village, Thiruchitrabalam Kootroad, Vanur Taluk Villupuram District and award exemplary costs.

For Petitioner:Mr.Sai Krishnan for M/s.Sai Bharath&Ilan
For Respondents:Mr.M.Varunkumar

ORDER

I have heard Mr.Sai Krishnan, learned counsel appearing on behalf of the petitioner and Mr.M.Varunkumar, learned Standing Counsel for the respondents.

2.The petitioner has filed this writ petition challenging an order passed by the second respondent demanding a sum of Rs.66,242/- alleged to be the amount payable for theft of energy committed in respect of SC.No.435-025-63, Gandhi Nagar Distribution Circle.

3. It is admitted in the counter affidavit that the said service connection stands in the name of one Mr.P.Sathyanathan, who was running a xerox shop. It is not known as to what happened to the said Mr.P. Sathyanathan and the fact remains that the said electricity service connection has been disconnected and a provisional assessment order dated 08.6.2007 was passed in the name of the said Mr.P.Sathyanathan demanding a sum of Rs.45,420/-. This provisional assessment came to be finalized by passing the final assessment order dated 15.6.2007. The said amount is yet to be recovered by the respondents.

4. The case of the petitioner is that he is the owner of the property in R.S.No.13/1, Thiruchitrambalam Village, Thiruchitrambalam Kootroad, Vanur Taluk, Villupuram District, that the said property was purchased by him and his father - one Mr.Venkatraman, that the petitioner is stated to have inherited his father's share, that a commercial complex was put up, in which, shops were constructed and that six electricity service connections were obtained. The electricity connections stood in the name of the petitioner's father and subsequently, they had been changed in the name of the petitioner.

5. The petitioner would state that in respect of one of the shops, there is no separate service connection and therefore, he made an application in September 2016 and paid the requisite deposit on 07.10.2016. Thereafter, the second respondent served a demand on the petitioner calling upon him to clear the dues to the tune of Rs.66,242/- payable in respect of S.C.No. 43502563, which stood in the name of the said Mr.P.Sathyanathan.

6. It is alleged by the second respondent that the petitioner is the son of the said Mr.P.Sathyanathan.

7. This allegation is emphatically denied by the petitioner. In this regard, the petitioner gave representations and also sent e-mails stating that the amount payable by the said Mr.P.Sathyanathan could not be fastened on the petitioner. The second respondent has not yet adjudicated as to what has been stated by the petitioner in his various representations including the legal notice sent on 22.7.2017. The counter affidavit also does not state as to in what manner, the petitioner is being made liable to pay the said amount and especially when the service connection, in which, theft of energy was alleged to have been committed stood in the name of the said Mr.P. Sathyanathan. Therefore, unless and until the case is adjudicated by the second respondent in this writ

petition, considering the stand taken by the petitioner in both the representations as well as the writ petition, no demand could straight away be issued to the petitioner. For such a reason, the impugned proceedings are liable to be set aside.

8. Accordingly, the writ petition is allowed, the impugned proceedings are quashed and the matter is remanded to the second respondent, who shall issue notice to the petitioner, afford an opportunity of personal hearing, peruse the records that may be produced by the petitioner and thereafter pass a speaking order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

RS

To

1.The Superintending Engineer, Villupuram Distribution Circle, TANGEDCO, Villupuram.

2.The Junior Engineer, TANGEDCO EP/South/TANGEDCO, TANGEDCO, Tiruchitrambalam, Vanur Taluk, Villupuram District.

+1 cc Mr.Sai Krishnan for M/s.Sai Bharath&Ilan SR.No.22111

+1 cc Mr.M.Varunkumar SR.No.22205

WP.No.23683 of 2017&
WMP.No.24883 of 2017

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