



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17651 of 2020

and

W.M.P (MD)No.14742 of 2020

(Through Video Conference)

Syed Ali

... Petitioner

Vs.

The Assistant Executive Engineer,
Distribution/TANGEDCO,
Thiruchendur,
Tuticorin District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned orders passed by the respondent in his proceedings in Lr.No.AEE/Distn/Thiruchendur/CI/F.Doc/D.No.1249/20, dated 17.10.2020 and in Lr.No.AEE/Distn/Thiruchendur/CI/F.Doc/D.No.1250/20, dated 17.10.2020 and quash the same as illegal.

For Petitioner : Mr.V.Malaiyendran

For Respondent : Mrs.M.Rajeswari for
M/s.S.M.S.Johny Basha

O R D E R

This writ petition has been filed challenging the impugned order dated 17.10.2020 passed by the respondent calling upon the petitioner to pay Rs.12,65,275/- and Rs.11,99,172/- as compensation charges payable by him for re-connection of two electricity service connections maintained by him.

2. It is the case of the petitioner that the impugned order has been passed by the respondent without adhering to the principles of natural justice. According to him, no notice was received by him prior to passing of the impugned order. It is also his case that he has been operating his water plant by following the Rules and Regulations laid down by the Central and State Governments.



3. It is also his case that he has not committed any theft of electricity and the case lodged against him in Crime No.412 of 2020 on 08.10.2020 on the file of the Tiruchendur Police Station under Section 135(1) of the Electricity Act, 2003, is a false one. In such circumstances, this writ petition has been filed.

4. Heard Mr.V.Malaiyendran, learned counsel for the petitioner and Mrs.M.Rajeswari for M/s.S.M.S.Johny Basha, learned standing counsel for the respondent.

5. The learned standing counsel for the respondent has placed before this Court the report issued by the Village Administrative Officer, Mela Thiruchendur Village, on 12.10.2020, wherein it has been stated that the provisional assessment order passed against the petitioner was pasted in the door of the petitioner's house on 12.10.2020.

6. However, the learned counsel for the petitioner would submit that no such notice was pasted in the door of the petitioner's house. However, as seen from the report of the Village Administrative Officer, Mela Thiruchendur Village, dated 12.10.2020, it is only a report, which states that the provisional assessment order was pasted in the door of the petitioner's house. When it is refused by the petitioner stating that no such an order was pasted in the door of his house, benefit of doubt will have to be given in his favour as no conclusive documentary evidence was placed before this Court to show that the provisional assessment order was served on the petitioner.

7. Further, in the case on hand, since the impugned demand is huge and the respondent is claiming Rs.12,65,275/- and Rs.11,99,172/- as compensation charges for the alleged theft of electricity committed by the petitioner from his two electricity service connections, the petitioner must be given a fair hearing and opportunity before any adverse order is passed against him by the respondent with regard to the theft of electricity.

8. Therefore, this Court is of the considered view that the respondent has violated the principles of natural justice while passing the impugned order by not affording a fair hearing and by not giving sufficient opportunity to raise all the points available to him under law with regard to the claim made by the respondent.

9. For the foregoing reasons, the impugned order dated 17.10.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law after hearing the petitioner and also by granting personal hearing, within a period of twelve weeks from the date of receipt of



10. With the aforesaid directions, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

Order made in

W.P. (MD) No.17651 of 2020

Dated:**10.12.2020**

mj (CO)

TR(18.12.2020) 3P 1C