



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.Nos.35112 of 2013 and 35446 of 2016
and

M.P.No.1 of 2013

and

W.M.P.No.30508 of 2016

W.P.No.35112 of 2013:

Sivaguru

...Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Secretary to Dept of Revenue
Fort Saint George,
Chennai 600009

2. The Collector of Cuddalore District,
Cuddalore, Cuddalore District.

3. The Superintendent
Tamil Nadu Electricity Board,
Pandruti Taluk,
Cuddalore District.

4. The Executive Engineer
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Pandruti 607 106,
Pandruti Taluk,
Cuddalore District.

5.The Tahsildar
Pandruti Post 607101
Pandruti Taluk,
Cuddalore



6.The Sub-Inspector of Police
Pudupettai Police Station
Pandruti Post 607106 .
Pandruti Taluk,
Cuddalore District.

7.Mr.Ramanujam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to desist from proceeding against the Petitioner for the recovery of punitive fine amount of Rs.8714 pertaining to the theft of electricity by the respondent number 7 and to restore the agricultural electricity connection bearing No.93 given to the father of the Petitioner and the agricultural electricity connection bearing number 294 which had been granted in favour of the Petitioner and cancel the electricity connection bearing No.558 conferred to the respondent number 7.

For Petitioner : Mr. P.V.Ravichandran

For Respondents : Mr.M.Rajendran
(1, 2, 5 & 6) Additional Government Pleader

For Respondents : Mr.L.Jai Venkatesh
3 & 4 For TANGEDCO

For Respondent 7 : Ms.J.Sudha

W.P.No.35446 of 2016:

Sivaguru

...Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Secretary to Dept of Revenue
Fort Saint George,
Chennai 600009

2. The Collector of Cuddalore District,
Cuddalore, Cuddalore District.

3. The Superintendent
Tamil Nadu Electricity Board,
Pandruti Taluk,
Cuddalore District.



4. The Executive Engineer
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Pandruti 607 106,
Pandruti Taluk,
Cuddalore District.

5. The Assistant Engineer
Oriyur Post,
Pandruti 607106
Pandruti Taluk,
Cuddalore District

6. The Sub-Inspector of Police
Pudupettai Police Station
Pandruti Post 607106 .
Pandruti Taluk,
Cuddalore District.

7. The Chairman
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600002.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to repair and restore the supply of electricity pursuant to the representations dated 29.08.2016 given to the 2nd respondent, the District Collector pertaining to the valid agricultural electricity connection bearing number 294 in the name of the petitioner.

For Petitioner : Mr. P.V.Ravichandran

For Respondents : Mr.M.Rajendran
(1, 2 & 6) Additional Government Pleader

For Respondents : Mr.L.Jai Venkatesh
3 to 5 & 7 For TANGEDCO

C O M M O N O R D E R

W.P.No.35112 of 2013:

The relief sought for in the present Writ Petition is to direct the respondents to desist from proceedings against the



petitioner for the recovery of punitive fine amount of Rs.8714/-, pertaining to theft of electricity by the respondent 7 and to restore the agricultural electricity connection bearing No.93 given to the father of the petitioner and the agricultural electricity connection bearing number 294, which had been granted in favour of the petitioner and cancel the electricity connection bearing No.558 conferred to the respondent 7.

2. The relief as it sought for in the present Writ Petition is absurd and is made by certain presumptions without allowing the authorities to consider the issue and pass orders. At the time of filing of the Writ Petition, no orders has been passed. Admittedly, the petitioner has filed the Writ Petition merely on apprehension that the respondent may impose penalty with reference to the allegations of theft of electricity.

3. In the event of theft of electricity, the authorities competent are bound to initiate action by following the procedures as contemplated. In this regard, assessment has to be made and final assessment order has to be passed by providing opportunity to the consumers. Thus, the petitioner has approached this Court based on apprehension and thus the Writ Petition is pre-mature. In the event of granting any relief in respect of the relief sought for, the authorities may not be in a position to consider the issues and take a decision on merits and in accordance with law. Thus, the Writ Petition is devoid of merits and liable to be dismissed.

W.P.No.35446 of 2016:

4. W.P.No.35446 on 2016 is filed to direct the respondents to repair and restore the supply of electricity pursuant to the representation dated 29.08.2016 given to the 2nd respondent. In respect of the restoration of electricity, the petitioner has to approach the competent authorities. In the event of submitting any such application, the authorities competent have to consider the same, taking note of all the allegations of theft of energy and the inspection or otherwise conducted in the premises of the petitioner.

5. Thus, the relief has to be considered only after conducting an enquiry / inspection and the same cannot be granted by this Court as the petitioner has approached this Court merely based on apprehension.



6. In the result, the Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

WEB COPY

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

shr/kan

To

1.The Secretary to Dept of Revenue
State of Tamil Nadu
Fort Saint George,
Chennai 600009

2. The Collector of Cuddalore District,
Cuddalore, Cuddalore District.

3. The Superintendent
Tamil Nadu Electricity Board,
Pandruti Taluk,
Cuddalore District.

4. The Executive Engineer
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Pandruti 607 106,
Pandruti Taluk,
Cuddalore District.

5.The Tahsildar
Pandruti Post 607101
Pandruti Taluk,
Cuddalore

6.The Sub-Inspector of Police
Pudupettai Police Station
Pandruti Post 607106 .
Pandruti Taluk,
Cudallore District.



7.The Assistant Engineer
Oriyur Post,
Pandruti 607106
Pandruti Taluk,
Cuddalore District

8.The Chairman
Tamil Nadu Electricity Board,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600002.

+1 CC to Mr.P.V. Ravi Chandran, Advocate sr 64933.
+1 CC to The Government Pleader sr 64806.

W.P.Nos.35112 of 2013 and 35446 of 2016

PL(CO)
SP(17/12/2021)