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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1127 of 2018

and

W.M.P.Nos.1404 & 1405 of 2018

R.Palanisamy

... Petitioner

Vs.

1. The Chairman,
TANGEDCO,
No.800, Anna Salai,
Chennai.

2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Mettupalayam.

3. The Assistant Executive Engineer,
TANGEDCO,
Kovai North Electricity Distribution,
Meetupalayam,
Coimbatore.

4. The Forester,
Sundampatti Division,
Mettupalayam Forest Range,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records Ka.No.hoo.Cha./Po/Na/Mo.Pa/Ko.A A/No.972, dated 28.12.2017 on the file of the 3rd respondent to consider the petitioner's representation dated 08.08.2017.

For Petitioner
For Respondents

: Mr.P.Kalimuthu
: Mr.S.Prabhu
Additional Government Pleader
for R4
No appearance for R1 to R3



O R D E R

The petitioner has filed a writ of certiorarified mandamus to call for the records in Ka.No.hoo.Cha./Po/Na/Mo.Pa/Ko.A A/No.972, dated 28.12.2017 on the file of the 3rd respondent to consider the petitioner's representation dated 08.08.2017.

2.The case against the petitioner is that petitioner had obtained free electricity connection from the electricity board for agricultural purpose. However, the petitioner appears to have used the electricity connection for fencing the agricultural field to ward of wild animals. It appears on 17.01.2017 two wild elephants came in touch with the barbed wire which were electrified by the petitioner and died. Under these circumstances, proceedings under Electricity Act, 2003 came to be initiated for theft. It is the case of the petitioner that the petitioner has compounded the offence under Section 152 of the Electricity Act by paying a sum of Rs.55,608/- on 04.08.2017. It is submitted though the petitioner has compounded the offence, the 3rd respondent has not restored the electricity supply. Therefore, the petitioner has challenged the impugned order dated 28.07.2017 which states that despite of several attempts were made to serve notice on the petitioner. Since the petitioner was absconding, the impugned order was passed to disconnect the electricity connection given to the petitioner.

3.The learned counsel for the 4th respondent Forest submits that the petitioner has been prosecuted under the provision of the Tamilnadu Wild Life Protection Act, 1972 for an offence under Sections 2(16)(a), 9, 39 and 51 and case is pending in C.C.No.331/2017 on the file of the Judicial Magistrate, Mettupalayam.

4.He therefore submits that the petitioner cannot be given free electricity connection by the electricity board has he has caused death of two wild elephants which strayed into the petitioner's agricultural field and that use of electrical fence for warding of wild animals was contrary to the provisions of the Electricity Act, 2003 and Tamilnadu Wild Life Protection Act, 1972.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

6.The offence against the petitioner under the provision of the Electricity Act, 2003 has been compounded under Section 152 of the said Act. The petitioner has sent a representation to the 3rd Respondent on 08.08.2017. Therefore, this representation of the petitioner deserves to be considered by the 2nd respondent in accordance with law and disposed. Therefore there shall be a limited relief to the petitioner by directing the 2nd respondent to consider and dispose the



petitioner representation dated 08.08.2017 within a period of six weeks from the date of receipt of a copy of this order. Before passing such order, not only the petitioner but also the 4th respondent forest should also be heard.

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7. Writ Petition stands disposed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO,
No.800, Anna Salai, Chennai.
2. The Executive Engineer,
Operation and Maintenance,
TANGEDCO, Mettupalayam.
3. The Assistant Executive Engineer,
TANGEDCO,
Kovai North Electricity Distribution,
Mettupalayam, Coimbatore.
4. The Forester,
Sundampatti Division,
Mettupalayam Forest Range,
Coimbatore.

+1cc to the Government Pleader, S.R.No.10885.

W.P.No.1127 of 2018

and

W.M.P.Nos.1404 & 1405 of 2018

PMK (CO)
CSR 25.03.2021