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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15926 of 2021 &
W.M.P.No.16827 of 2021

N.Ashok

.. Petitioner

Vs

1. The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
Vengikkal,
Thiruvannamalai,
Thiruvannamalai District 606 604.

2. The Executive Engineer,
Operation and Maintenance,
Tamil nadu Electricity Board,
Thiruvannamalai Electricity District Circle,
Arni Taluk, Thiruvannamalai.

3. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vellyeri Village,
Arni Taluk,
Thiruvannamalai District

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus to Call for the records in Ka.No.Sa.Po.E and PA/ ARNI/ VA.VU/ KO.KATTU.NO.526/2005 dated 16.02.2005 on he file of the 2nd respondent and quash the same and direct the 2nd respondent to restore the application No.13362 dated 29.07.1998 and direct the 1st respondent to substitute the petitioners name in the place of Late Natesa Pillai and direct to refund penalty amount of Rs.60 232/- (Rupee Sixty Thousand Two Hundred Thirty Two) to the petitioner by considering the representation given by the Petitioner dated 28.04.2021.

For Petitioner : Mr.A.Vinupradha

For Respondents : Mr.L.Jai Venkatesh

Standing counsel for R1 to R3



O R D E R

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 16.02.2005 and for a consequential direction to the 2nd respondent to restore the Application No.13362 dated 29.07.1998 and to substitute the name of the petitioner in the place of his father.

2. Heard the learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing counsel appearing for respondents 1 to 3.

3. The case of the petitioner is that his father was given an electricity service connection in the year 1998 under the Jeevanthara Electricity Scheme. Thereafter, in the year 2000, proceedings were initiated for illicit tapping of electricity and the 2nd respondent issued a show cause notice and imposed a penalty on the father of the petitioner. A criminal case also came to be filed in C.C.No.35 of 2003 against the father and brother of the petitioner. During the pendency of the criminal proceedings, the impugned notice came to be issued by the 2nd respondent on 16.02.2005 informing the father of the petitioner that the electricity service connection is cancelled.

4. The father of the petitioner during his life time did not challenge the impugned notice. The criminal proceedings in C.C.No.35 of 2003 ultimately ended in acquittal of the father and brother of the petitioner by judgement dated 02.01.2006. The father of the petitioner is said to have passed away on 10.10.2006. Thereafter, there was some family dispute among the legal heirs which ultimately got settled only in the year 2019 and the subject property is said to have been allotted in favour of the petitioner and he also got a patta in his name in patta No.1586.

5. It is at this point of time, the petitioner made a representation to the 3rd respondent requesting for the transfer of the Electricity Service Connection from the name of his father to his name. The petitioner was informed that the electricity service connection had been cancelled in the year 2005 itself and hence, the application submitted by the petitioner will be independently considered.

6. The petitioner has therefore chosen to challenge the cancellation letter issued by the 2nd respondent dated 16.02.2005 on the ground that such a letter ought not to have been issued even before the completion of the criminal proceedings and it is on the face of it illegal. It was further contented that the criminal proceedings ultimately ended up in acquittal and therefore, it will automatically restore the electricity



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connection in favour of the father. On the demise of the father of the petitioner, the service connection will automatically enure in favour of the petitioner. Therefore, the petitioner has chosen to challenge the impugned letter dated 16.02.2005 in the present petition.

7. In the considered view of this Court, the writ petition is hit by latches. The father of the petitioner was very much alive when the service connection was cancelled in the year 2005. He did not chose to challenge the cancellation letter. The criminal case ended in acquittal in the year 2006 and immediately, thereafter the father of the petitioner did not choose to challenge the impugned cancellation letter. The petitioner waited for all the family disputes to be resolved and ultimately, after a period of nearly 16 years, has chosen to file the present writ petition challenging the impugned cancellation letter issued by the 2nd respondent. This Court does not find any ground to entertain this writ petition and if at all the petitioner is seeking for electricity service connection under the Scheme, the petitioner has to wait in the queue and get the connection, as and when his turn comes up.

8. In view of the above discussion, this writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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Thiruvannamalai District 606 604.
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3. The Assistant Engineer,
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Tamil Nadu Electricity Board,
Vellyeri Village,
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Thiruvannamalai District

+1CC to Ms.Vinupradha, Advocate, Sr.No.37311

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GPL (CO)
K.RK. (02.09.2021)