



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.7193 of 2020

and

W.M.P. (MD)No.6626 of 2020

WEB COPY

Jansirani

... Petitioner

-Vs-

1.The Chairman Cum Superintending Engineer,
Consumer Grievance Redressal Forum,
Sivagangai EDC,
Tamilnadu Generation & Distribution Corp. Ltd.,
Sivagangai.

2.The Assistant Engineer,
Tamilnadu Generation & Distribution Corp. Ltd.,
Singampunari, Sivagangai District.

... Respondents

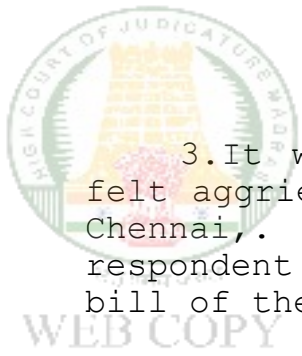
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent proceedings No.AEE/D/S.Punari/Va.A/A.No.28/20, dated 05.03.2020 and subsequent proceedings No.AEE/D/Singampunari/Va.A/A.No.24/20 dated 15.04.2020 and quash the same and consequently directing the respondents to adhere the statutes for collecting arrears and granting such other and further relief which this Court deems fit and proper in the circumstances of this case.

For Petitioner : Mr.RM.Arun Swaminathan
For Respondents : Ms.M.Parameswari,
For Mr.S.M.S.Johnny Basha,
Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

2.The petitioner's husband/Boominathan had led out a property in favour of a tenant. The tenant was running a coir factory in the tenanted premises. It appears that due to defects in the meter, there was under billing. When it was discovered later during audit inspection, demands were raised. Ultimately, the liability was sought to be fastened on Boominathan, since the service connection stood in his name. Boominathan raised a dispute before the Grievances Redressal Forum, Sivagangai, by filling Claim Petition No.17/2019-2020. Vide order dated 29.10.2019, Boominathan's claim was rejected and demand for payment of Rs.1,96,936/- was confirmed.



3.It was stated in the said order itself that if Boominathan felt aggrieved, he can file an appeal before the Ombudsman, Egmore, Chennai,. Unfortunately, Boominathan passed away. The second respondent has now sought to include the said amount in the current bill of the petitioner. That has necessitated this challenge.

4.The claim of the petitioner is that she has not been served with the copy of the order passed by the Grievances Redressal Forum, Sivagangai. But this statement is shown to be incorrect by the learned standing counsel. The learned Standing Counsel has produced materials before this Court indicating that a copy of the said order was sent by Registered Post and that Boominathan received the same on 21.11.2019.

5.Be that as it may, I am of the view that in the interest of justice, the petitioner can be given an opportunity to contest the matter before the Ombudsman, Egmore, Chennai. The petitioner's counsel states that the petitioner would prepare an appropriate appeal petition before the Ombudsman, Egmore, Chennai within a period of four weeks from the date of receipt of a copy of this order. If such an appeal is filed within the said period, the same will be entertained by the Ombudsman without reference to limitation. The petitioner can also pray for an interim order. The learned Ombudsman shall consider the same on merits and in accordance with law.

6.Giving such liberty to the writ petitioner, the writ petition is disposed of. The impugned proceedings will be kept in abeyance and not enforced for a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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TP(CO)

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