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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.2.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.201 of 2022 &

CMP No.1519 of 2022

Sivakami

..Appellant/Petitioner

vs

The Assistant Executive Engineer
TANGEDCO

O & M, North/Somanur
Coimbatore District.

..

Respondent/Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 01.12.2021 made in W.P.No.25511 of 2021.

Prayer in WP.No.25511 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order in letter No.AEE/Q & M/N.SMR/CA/F-Theft/D.No.354/21 dated 30.10.2021 passed by the respondent, quash the same and consequently direct the respondent to restore the electricity service connection bearing No.SC.280-003-99/TF-IV situated in S.F.No.698/1.

For Appellant

: Mr.K.Myilsamy

JUDGMENT

(Judgment was delivered by
the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the appellant.



2. The writ appeal has been filed challenging the order dated 01.12.2021 passed by the learned Single Judge in W.P.No.25511 of 2021.

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3. As recorded by the learned Single Judge, what was submitted by the learned counsel appeared for the appellant - writ petitioner was that the appellant - petitioner was ready to pay the entire amount within a period of four weeks. Based on the submission made by the learned counsel appeared for the appellant - writ petitioner, the said writ petition was disposed of with appropriate directions pursuant to the said submission.

4. Now, the writ appeal has been filed alleging that the appellant - writ petitioner had not given instructions to the learned counsel, who appeared before the learned Single Judge for payment of entire fine amount and it is stated so in ground No.7 of the grounds of appeal.

5. It is settled law that contrary to the instructions, if the counsel made a statement, the appellant - writ petitioner ought to have caused a notice to the counsel concerned and registered a complaint against him with the Bar Council. Otherwise, the appellant - writ petitioner is bound by the statement made by the counsel in view of the condition of vakalatnama. It is further seen that at times when the learned Single Judge is not inclined to grant the relief as sought for, finding no case in favour of the appellant - writ petitioner, the counsel makes a statement on behalf of his client and after getting the order, thought of challenging it by maintaining an appeal.

6. If the facts of the case are looked into, the position as given in the impugned order shows that after taking the agricultural electricity connection, the appellant - writ petitioner was using the same for commercial purpose, due to which, penalty was imposed on her, after serving a notice for provisional assessment, followed by imposition of penalty. Realizing the aforesaid, the learned counsel, who appeared for the appellant - writ petitioner before the learned Single Judge, might have agreed to pay the entire amount and sought for time. Taking the aforesaid into consideration, we do not find any ground to cause interference with the order passed by the learned Single Judge when the same is based on the representation made by the learned counsel appeared for the appellant - writ petitioner.



7. Accordingly, the writ appeal is dismissed.
Consequently, the connected CMP is also dismissed.

Sd/-

Assistant Registrar(CO)

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// True Copy //

Sub Assistant Registrar

RS

To:

The Assistant Executive Engineer
TANGEDCOO & M, North/Somanur
Coimbatore District.

W.A.No.201 of 2022 &
CMP No.1519 of 2022

SRA(CO)
CB(03/03/2022)