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Cont.P.No.305 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cont.P.No.305 of 2022

V.Rajan

.. Petitioner

Vs

1. Mr.Kumarasami
Superintending Engineer,
Villupuram Distribution Circle,
TANGEDCO, Villupuram.

2. Mr.Natarajan,
Junior Engineer,
TANGEDCO, EP/South/TANGEDCO,
TANGEDCO, Tiruchitrambalam,
Vanur Taluk, Villupuram District.

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents for willful, deliberate disobedience for second contempt of the Order of this Court dated 12.03.2020 in W.P.No.23683 of 2017 and Order dated 27.08.2021 in Cont.P.No.680 of 2021.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.L.Saivenkatesh



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ORDER

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This Contempt Petition has been filed to punish the respondents for willful, deliberate disobedience for second contempt of the Order of this Court dated 12.03.2020 in W.P.No.23683 of 2017 and Order dated 27.08.2021 in Cont.P.No.680 of 2021.

2. The main contention of the petitioner is that besides positive direction issued by this Court, the respondent has not complied the Order of this Court. Originally the second respondent had issued a demand notice demanding Rs.66,242/- alleged to be amount payable for the theft of energy committed in respect of service connection in Sl.No.43502563 and bearing connection No.63-TF-V. The above demand notice was challenged before this Court in W.P.No.23683 of 2017. This Court by an Order dated 12.03.2017, set aside the said demand and remanded the matter to the respondent and directed him to issue notice to the petitioner, afford an opportunity of personal hearing and peruse the records that may be produced by the petitioner and thereafter, pass a speaking Order on merits and in accordance with law. As the said direction has not been complied, the petitioner has filed a contempt petition in Contempt Petition



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No.680 of 2021. In the said Contempt Petition this Court directed the petitioner to appear before the Office of the Second respondent on 13.09.2021 at 11.30 a.m. without fail and the second respondent is directed to proceed in accordance with the direction issued by this Court in the Writ Petition.

3. The present Contempt Petition has been filed on the ground that no Orders have been passed as per the Orders of this Court.

4. The learned counsel for the respondent would submit that an Order has been passed as early as on 20.11.2021. Pursuant to the direction of this Court, the second respondent has passed an Order and a copy of the Order has also been produced before this Court.

5. The Order produced by the learned counsel for the respondents does not even reflect the presence of the petitioner and an opportunity being given to the petitioner. However, the final Order has been passed demanding the same sum of Rs.66,242/-. The very Order reflects once again non application of mind. As the learned counsel for the petitioner



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would submit that the final Order passed by the second respondent is the very same Order in pursuant to the earlier Order of this Court, this contempt Petition is closed with a liberty to the petitioner to challenge the same Order by way of a Writ Petition.

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N.SATHISH KUMAR, J.

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