



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-02-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.4591 of 2012

1.P.Eswarappa Reddy
2.P.Eswari

.. Petitioners

vs.

1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.

2.The Assistant Executive Engineer,
O & M Manali,
Chennai Electricity Distribution Circle/North,
Tamil Nadu Electricity Board,
Chennai - 600 002.

3.D.Latha
(R-3 impleaded vide order of Court dated
31.01.2013 made in MP No.1 of 2013 in
WP 4591 of 2012)

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in reference No.AE/Ernavoor/Spl.Div./No.334 dated 22.10.2011 on the file of the second respondent and to quash the order in reference No.AE/Ernavoor/Spl.Div./No.334 dated 22.10.2011 on the file second respondent and direct the second respondent to process the application dated 18.10.2011 for domestic service connection under 1A Tariff to the premises bearing Door No.2, Kamarajar Street, Rajaji Nagar, Thiruvottiyur, Chennai - 600 019.

For Petitioners : Mr.J.R.K.Bhavanantham

For Respondents-1&2 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

For Respondent-3 : Mr.A.Rajendran



O R D E R

The order dated 22.10.2011 passed by the second respondent returning the application submitted by the petitioners for providing electricity service connection, is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the petitioners states that the petitioners are the subsequent purchasers of the subject property in which theft of energy has been traced out. It is contended that the person, who is responsible for theft of energy is absconding. However, all these disputed facts cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India. But in the event of non-payment of consumption charges as determined by the Competent Authorities with reference to the theft of energy, the Authorities may not be in a position to consider the application for providing new electricity service connection.

3. In the event of encouraging such practice, every such mischievous persons or miscreants will commit theft of energy and thereafter vacate the premises without paying the electricity consumption charges. Therefore, the person, who is in occupation of the premises is responsible and in the event of any other disputed facts or in the event of controversy in respect of such facts of absconding or otherwise, the aggrieved person has to approach the competent Appellate Authority for the purpose of adjudication of facts and circumstances.

4. The learned counsel for the petitioners states that the petitioners are no way connected with the theft of energy. However, it is subject to adjudication by the Competent Authorities with reference to the documents and evidences available on record.

5. However, the High Court cannot conduct a roving enquiry in such disputed facts for the purpose of issuing directions to provide electricity service connection. Already there is a financial loss on account of theft of energy in respect of the subject premises. Therefore, the Authorities are bound to recover the same. In the process of recovery, if any, disputed facts are placed by the petitioners, then proper adjudication is required and the petitioners are at liberty to approach the competent Appellate Authority or the Forum constituted for the redressal of their grievances in the manner known to law. In the event of approaching any such Authority, the Authority shall consider the period during which the present writ petition was pending before this Court shall be taken into consideration for the purpose of condoning the delay, if any and decide the issues on merits and in accordance with law as



expeditiously as possible.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.

2.The Assistant Executive Engineer,
O & M Manali,
Chennai Electricity Distribution Circle/North,
Tamil Nadu Electricity Board,
Chennai - 600 002.

+1cc to Mr.J.R.K.Bhavanantham, Advocate SR.No.7860

+1cc to Mr.L.Jai Venkatesh, Advocate SR.No.7539

WP 4591 of 2012

PMK (CO)
GMY (24/02/2022)