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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NOS.31717 AND 31872 OF 2014
AND MP NOS.1 AND 1 OF 2014

Purushotaman

... Petitioner in both WPs'

Vs.

1. Assistant Engineer
Operation and Maintenance
Tamil Nadu Generation &
Distribution Corporation Ltd.,
Mangalur.

2. Chairman
Tamil Nadu Electricity Board
Anna Salai,
Chennai - 600 002.

... Respondents 1&2 in both WPs'

PRAYER:

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records in Ka.No.PO.E.P.MAG.PO.A.No.74/14.15 dated 28.11.2014 and Ka.No.PO.E.P.MAG.PO.A.No.61 dated 17.11.2014 respectively, on the file of the 1st respondent and quash the same as illegal, incompetent, unconstitutional and further direct the respondents to refund the money illegally collected from the petitioner in pursuance of the impugned demand notice.

For Petitioner : Mr.V.Raghavachari
(in both WPs')

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel



COMMON ORDER

Challenging the demand made by the first respondent in Ka. No.PO.E.P.MAG.PO.A.No.74/14.15 dated 28.11.2014 and Ka.No.PO.E.P. MAG.PO.A.No.61 dated 17.11.2014 respectively, the petitioner has filed these writ petitions.

2.According to the petitioner, originally he obtained electricity service connections in SC Nos.118 and 117 respectively and was utilizing it for domestic purpose. During end of 2006, for the purpose of widening Trichy - Madras Highways, his house and land were acquired by the Government and the building was demolished. The respondent / Electricity Board, has disconnected Service Connection Nos.117 and 118 during December 2011 itself and that there was nothing due towards the same. Whereas, on 28.11.2014 and 17.11.2014 respectively, demands were made by the respondent to the tune of Rs.39,384/- and Rs.8,474/- respectively, as arrears. As stated earlier, this has been challenged by the petitioner in these writ petitions.

3.The respondent / Electricity Board has filed a counter affidavit dated 21.02.2022, wherein, at paragraph 12, it is stated as follows:

"12.I submit that the Assistant Account Officer Revenue Branch Vridhachalam vide letter No. AAO / RB/VRB/AS4/F.D.C.Service/DNo.377/15 dated 2.12.2015 the service arrear were found as to wrongly the generated by the computer. The arrears of S.C.No.084-005-117 & 118 was included in S.No.084-005-666 (Rs.38,295.00) Hence the same was recommended to the Chief Engineer / Distribution / Villupuram to delete the wrongly generated the arrear on 27.01.2015 and the same was deleted. Hence, the writ petition becomes infructuous and not maintainable one."

The respondent / Electricity Board by way of an affidavit themselves have stated that the wrongly generated claim was deleted and the matter has become infructuous. Nothing is due from the petitioner towards electricity consumption charges for the demolished portion.



4. Recording the same, these writ petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TK

To

1. Assistant Engineer
Operation and Maintenance
Tamil Nadu Generation &
Distribution Corporation Ltd.,
Mangalur.
2. Chairman
Tamil Nadu Electricity Board
Anna Salai,
Chennai - 600 002.

+1cc to Mr.V.Raghavachari , Advocate, S.R.No.11304

WP NOS.31717 AND 31872 OF 2014

SV(CO)
PM/23/03/2022