



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31222 of 2019

K. Palanisamy

...Petitioner

Vs.

1. The Assistant Executive Engineer
Tamil Nadu Generation and Distribution Corporation Limited,
CEDC/South,
Mangalam, Tiruppur.
 2. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Vanjipalayam, Tiruppur.
 3. The Assistant Accounts Officer,
Tamil Nadu Generation and Distribution Corporation Limited,
Somanur - 641 668,
Coimbatore District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to return the amount to a sum of Rs.22,692/- with 9% interest per annum from 31.12.2012 to till date of realization by considering representation dated 30.06.2019.

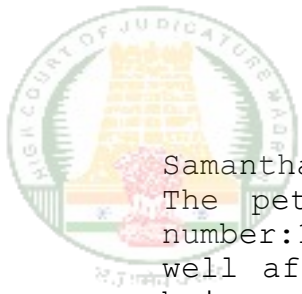
For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 30.06.2019 and return the sum of Rs.22,692/- with 9% interest per annum from 31.12.2012 to till date of realization as early as possible.

2. The case of the petitioner is that, he is the owner of the agricultural land comprised in S.No.494/4, situated at



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Samanthankottai, Pudhupalayam Village, Vanjipalayam, Tiruppur. The petitioner obtained commercial service connection bearing number:1377 from the respondents for drawing water from bore well after paying a security deposit of about Rs.70,000/- While being so, the respondents without issuing any prior notice conducted inspection and have disconnected the electricity service connection. Thereafter, FIR was also registered against the petitioner in Crime No.1434 of 2012 for unauthorized usage of electricity connection and the respondents have also passed an order directing the petitioner to pay a sum of Rs.14,710/-. Aggrieved by the said order, the petitioner filed a writ petition in W.P.No.1523 of 2013 and obtained an order of interim stay on condition that the petitioner has to pay 50% of amount and the same was complied with by the petitioner.

3. It is further submitted that, this Court vide its order dated 06.09.2018 held that theft of energy cannot be adjudicated in the writ petition and left open to the respondent for calculating the amount to be paid by the petitioner and pursuant to the order of this Court, the respondent demanded the petitioner to pay a sum of Rs.15,336/- and the same was deposited by the petitioner. Thereafter, the petitioner filed CMP No.1140 of 2018 for quashing the FIR and the same was allowed, which clearly shows that, the petitioner has not committed any default in payment of electricity and there is no chance that the petitioner has taken electricity from disconnected service. Therefore, the petitioner made representation dated 30.06.2019 before the respondents seeking for return of Rs.22,692/- with 9% interest per annum. However, till date no orders were passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 30.06.2019 and refund the amount of Rs.22,692/- paid by the petitioner within a time stipulated by this Court.

5. The learned counsel appearing for the respondents has no serious objection for the said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 30.06.2019 on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The Assistant Executive Engineer
Tamil Nadu Generation and Distribution Corporation Limited,
CEDC/South,
Mangalam, Tiruppur.
2. The Assistant Engineer,
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GPL(CO)
CT(02/03/2022)