



W.P.(MD).No.11136 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11136 of 2012

and

M.P(MD)No.2 of 2012

N.R.Balakrishnan

... Petitioner

Vs.

- 1.The Chief Engineer,
Tamil Nadu Electricity Board,
Trichy Region,
Thennur,
Trichy-17.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Karur.
- 3.The Divisional Engineer,
Tamil Nadu Electricity Board,
TNGEDCO,
Kuzhithalai,
Karur District.
- 4.The Assistant Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
TNGEDCO,
Kuzhithalai, Karur District.



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5. The Assistant Engineer,
Tamil Nadu Electricity Board,
TNGEDCO,
Nachaloor,
Kuzhithalai,
Karur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings, dated 21.06.2012 on the file of the fourth respondent herein and quash the same and consequently directing the fifth respondent to regularize and provide proper service to the agricultural electricity connection in S.C.No.750.

For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present Writ Petition has been filed challenging a working sheet annexed to the provisional assessment order issued by the respondent Board arising out of an allegation of theft of energy under Section 135 of the Electricity Act.



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2. According to the learned Counsel for the petitioner, in December 2011 itself the wires connecting the motor pump set from the main line got disconnected and there was no service connection to the writ petitioner's agricultural land. In the year January 2012, he had made a representation for a fresh agricultural service connection. The authorities have inspected the spot and thereafter, have given a service connection by drawing lines from another electrical pole at a distance of 200 feet. Since the electrical poles which are located nearby to his agricultural lands were in a dilapidated condition, these poles were not used by the respondent authorities. However, when inspection was conducted on 21.06.2012, the authorities have found that this kind of extraction of electricity as an illegal extraction and charged the writ petitioner under Section 135 of the Electricity Act. The petitioner has given a detailed explanation on 04.07.2012 and thereafter, the petitioner has challenged the provisional order of assessment. Though no interim order was granted, the respondent Board has not yet passed the final assessment order.



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3. In view of the above said fact, this Court is inclined to pass the following order:

"(i) The respondent Board is directed to pass final orders, after giving due opportunity to the writ petitioner, considering his explanation, dated 04.07.2012.

(ii) Till final assessment orders are passed, no coercive action shall be taken as against the writ petitioner based upon the provisional order of assessment. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order."

4. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

11.08.2022

Index : Yes / No
Internet : Yes / No
btr



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R.VIJAYAKUMAR, J.

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Order made in
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