



W.P.(MD).No.17091 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.17091 of 2012

and

M.P.(MD)No.1 of 2012

K.Mariappan

... Petitioner

Vs.

1.The Assistant Engineer,
Tamil Nadu Electricity Board,
Sivakasi.

2.The Junior Engineer Grade I,
Tamil Nadu Electricity Board,
Sivakasi East Section,
Sivakasi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the 2nd respondent culminating in his impugned proceedings bearing letter No.Ka.No:Vu.Mi.Po/Na/Va/Siva/Ko.Thanikkai/A.No. 350/08, dated 15.12.2012 and to quash the same.



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For Petitioner : Mr.A.Saravanakumar

For Respondents : Mr.S.Deenadhayalen

ORDER

The present writ petition has been filed seeking to quash the order passed by the second respondent herein demanding a sum of Rs.56,484/- on the ground of short levy which was alleged to have been discovered during audit.

2.A perusal of the impugned order shows that there was a short levy for the month of February 2008 which is said to have been discovered by the respondent Board during audit. The present impugned order has been passed without issuing any show cause notice or calling for any explanation from the writ petitioner. Hence, the writ petition stands allowed. The matter is remitted to the file of the second respondent herein. The second respondent shall issue a show cause notice to the writ petitioner calling for his explanation. On receipt of the said explanation, the same shall be considered and a reasoned order shall be passed by the second respondent herein.

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3. With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Tmg



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R.VIJAYAKUMAR ,J.

Tmg

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
W.P.(MD).No.17091 of 2012

04.08.2022