



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.7530 of 2022

and

W.M.P. [MD]Nos.5692 and 5694 of 2022

WEB COPY

1.Sri Rajeswari Associates,
Stone Crusher,
Mallakottai, Thirupathur Taluk,
Sivagangai District.
represented by its Authorized Signatory

2.M/s.Sritharani Infraa Developers Private Limited,
SF No.152/1E & 152/4D,
Mallakottai, Singampunari Taluk,
Sivagangai District.
represented by its Authorized Signatory ... Petitioners

Vs.

The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Rural / South Division, Thirupathur,
Sivagangai. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the respondent dated 31.03.2022 in Ka.No.உமபொ/ஊ/தெ/திரு/கோ.கட்டு/அ/31/03/22 and quash the same as illegal and consequently directing the respondent to restore the electricity connection in the name of the second petitioner in Service Nos.477-002-573 and 05-909-460-171 within the period that may be stipulated by this Court.

For Petitioners : Mr.M.Jerin Mathew
for Mr.T.Palanisamy
For Respondent : Mr.S.Deenadhayalan
Standing Counsel

O R D E R

This Writ Petition has been filed challenging the order dated 31.03.2022 passed by the respondent disconnecting the petitioners' electricity supply on the ground that an adverse order has been passed by the Pollution Control Board.

2.The petitioners have challenged the impugned order on the ground of violation of principles of natural justice. According to them, the report of the Pollution Control Board was not served upon them and therefore, the impugned order has to be quashed.



3. Heard M.Jerin Mathew for Mr.T.Palanisamy, learned Counsel appearing for the writ petitioners and Mr.S.Deenadhayalan, learned Standing Counsel who accepts notice on behalf of the respondent.

4. Learned Standing Counsel for the respondent would submit that the quarry lease granted in favour of the petitioners has already expired and only based on a report received from the Pollution Control Board, the impugned order has been passed under which the existing electricity service connection standing in the name of the petitioners has been disconnected.

5. Learned Counsel for the petitioners submits that the petitioners are without electricity from the date of the impugned order and they are suffering huge loss on account of the same.

6. In view of the admitted fact that the report of the Pollution Control Board which is reflected in the impugned order which is the basis for the passing of the impugned order was not furnished to the petitioners, this Court is of the considered view that principles of natural justice has been violated by the respondent. Hence, the impugned order has to be necessarily quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law.

7. Since the electricity service connection has already been disconnected, final orders will have to be passed by the respondent within a period of two [2] weeks from the date of receipt of a copy of this order.

8. In the result, the impugned order dated 31.03.2022 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing. The respondent is directed to pass final orders within a period of two [2] weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

The Assistant Electrical Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Rural / South Division, Thirupathur,
Sivagangai.

+1 CC to M/s.T. PALANISAMY, Advocate (SR-20149[F]
dated 21/04/2022)

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-20683[F]
dated 22/04/2022)

ORDER MADE IN
W.P. [MD]No.7530 of 2022
21.04.2022

NSN(CO)
GC(25.04.2022) 3P 4C