



WEB COPY



W.P.No.3790 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3790 of 2013

and

M.P.No.2 of 2013

1. Yamuna Dharmalingam
2. Suhasini Dharmalingam
3. Mrs.Vimala Dharmalingam

...Petitioner

-Vs-

1. The Assistant Executive Engineer,
Adyar Operation And Maintenance,
CEDC/South, TANGEDCO,
40A, 1st Main Road,
Besant Nagar, Chennai-90.
2. The Assistant Engineer,
Adyar-Operation & Maintenance,
CEDC/South, TANGEDCO,
Adyar, Chennai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the Preliminary Report dated



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27.9.2012 of the Electricity Service Connection in SC.No.201-016-634 pertaining to Flats A1 and A2 of Yamuna Homes Complex, Parameshwari Nagar, 4th Street, Adyar, Chennai and quash the same and consequentially direct the respondents to restore the electricity Connection in SC. No.201-016-634 forthwith which was disconnected by the 1st respondent during the 3rd week of January 2013.

For Petitioner : Ms.P.Magesh

For Respondents : Mr.L.Jaivenkatesh for TANGEDCO

ORDER

The preliminary report dated 27.09.2012 of the Electricity Service Connection in SC No.201-016-634, pertaining to Flats A1 and A2 of Yamuna Homes Complex, Parameshwari Nagar, 4th Street, Adyar, Chennai, is under challenge in the present writ petition.

2.The petitioners are the owners of the Flat No.A1 and A2, ground floor, Yamuna Homes Complex, Parameshwari Nagar, 4th Street, Adyar, Chennai. Based on the inspection conducted by the competent authorities of the respondent Electricity Board, the preliminary report on theft of energy was prepared by the authorities. The preliminary report was



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submitted for initiation of further action and the petitioner has chosen to file the present writ petition challenging the very report instead of defending his case before the competent authorities.

3.The learned counsel for the petitioner states that the petitioner submitted their objections to the authorities. The learned counsel appearing on behalf of the respondents furnished a copy of the provisional assessment order passed by the Assistant Executive Engineer in proceeding dated 28.09.2012 which is under challenge in the present writ petition. The preliminary report was submitted on 27.09.2012 and on 28.09.2012 itself the provisional assessment order was passed.

4.Even in respect of provisional assessment order, the petitioners are entitled to submit their objections and the authorities competent are bound to pass final assessment order by considering the objections if any submitted by the petitioner. After passing final assessment order, the petitioner has to prefer an appeal before the competent authorities as contemplated under the provisions of the statute and rules in force. All disputed facts regarding the theft of energy are to be adjudicated before the competent authorities based on the documents and evidences on record.



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5.This court at this juncture cannot form an opinion whether the allegation of theft of energy is established or otherwise. The petitioners have to establish their innocence or otherwise by producing the document and evidences. This being the factum, the petitioners are at liberty to adjudicate the issues before the competent authorities. Since the provisional assessment order has already been passed by the authorities, the authorities competent are bound to adjudicate the matter and pass final assessment order in the manner known to law.

6.With these observations, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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