



W.P.No.8746 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8746 of 2020
and
WMP.No.10607 of 2020

K.Nalliappan

...Petitioner

Vs.

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
NPKRR Maaligai,
800, Anna Salai, Chennai-600 002.

2. The Assistant Engineer,
Electricity Board /Shenoy Nagar,
Tamil Nadu Electricity Distribution Board,
Shenoy Nagar Electricity Distribution Circle/West,
Chennai-102.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the order of the 2nd Respondent bearing Ka.No.UP/E&PA/Shenoy Nagar/Va.Aa/Co/Notice/N 290 dated 08.05.2020, quash the same.

For Petitioner : Mrs.Hema Sampath, Senior Counsel,
for Mr.S.Mohanasundararajan

For Respondents : Mr.L.Jaivenkatesh



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ORDER

The petitioner has come up with this Writ petition seeking quashment of the order of the 2nd respondent dated 08.05.2020, bearing Ka.No.UP/E&PA/Shenoy Nagar/Va.Aa/Co/Notice/N 290.

2. The case of the petitioner is that he claims to be the owner of the building situated in Plot Nos.5164 to 5166, II Avenue, Anna Nagarm Chennai and the same were allotted in his favour by the Tamil Nadu Housing Board in the year 1992. Subsequently, on 08.03.1993, the petitioner purchased Plot No.5167 from one Sheila Kalathil under a Deed of Exchange. Thereafter, the petitioner obtained the sanction plan, upon payment of necessary fees and constructed Kalyana Mandabam namely, Vijay Shree Mahal, Kailash Shree Mahal, Balaji Shree Mahal and Vijaya Conference Hall, consisting of basement, ground floor and four other floors with different Electricity service connections and the same were obtained in the year 1997. While so, the 2nd respondent issued a notice dated 08.05.2020, directing the petitioner to merge all the service connections into



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one within a period of 90 days. Challenging the same, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, the petitioner constructed the above said Kalyana Mandabam and obtained different Electricity service connections in the year 1997, as per the Supply code existing at that relevant point of time and has been enjoying the same for about 25 years. While so, pursuant to the amendment of the provisions of Section 27 sub section 15(a) of the Tamil Nadu Electricity Distribution Code (in short 'the said Code'), the present impugned order is passed by the 2nd respondent, without providing any opportunity to the petitioner. He further submitted that, the petitioner obtained the above said service connections prior to the amendment, however, the amendment cannot be imposed retrospectively and the same shall apply only prospectively. Hence, she prayed for allowing this Writ petition.

4. On the above said contentions heard learned Standing Counsel appearing for the respondents and perused the materials available on record.

5. Though, the learned standing counsel for the respondents claims that, opportunity was given to the petitioner by the Inspection Officer, before



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passing the impugned order, however, a perusal of the material documents placed on record, particularly the impugned order reveals that, the same has been passed solely based on the inspection report and no opportunity was given to the petitioner before passing the present impugned order, which is a clear violation of principles of natural justice.

6. Hence, on the sole ground, the present impugned order is set aside and the matter is remanded to the 2nd respondent. The 2nd respondent is directed to issue a fresh show cause notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner is directed to submit appropriate explanation before the 2nd respondent within a period of two weeks from the date of receipt of the said show cause notice. Thereafter, the 2nd respondent shall conduct enquiry and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter.

7. With the above observations and directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous petition is closed.



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NCC : Yes / No

Speaking Order : Yes / No

Index : Yes / No

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