



W.P(MD)No.2174 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2174 of 2023

J.Mohamed Ismail

... Petitioner

Vs.

- 1.The Superintending Engineer,
O/o. The Superintending Engineer,
(Tamil Nadu Generation and Distribution Corporation Limited),
Angu Nagar Complex,
M.N.Patty,
Dindigul District.
- 2.The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
(Tamil Nadu Generation and Distribution Corporation Limited),
Enforcement,
Dindigul District.
- 3.The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
(Tamil Nadu Generation and Distribution Corporation Limited),
Distribution,
No.110, KV Sub Station Complex,
Kottampatty Road,
Natham Taluk,
Dindigul District.
- 4.The Assistant Engineer,
O/o. The Assistant Engineer,



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(Tamil Nadu Generation and Distribution Corporation Limited),
Distribution,
Gopalpatty,
Vembarpatty Post,
Dindigul Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to restore the electric connection in SC No.226-003-243 TF IA stands in the name of the petitioner's father namely M.Jamal Maitheen in Gopalpatty, Vembarpatty Post, Dindigul Taluk, Dindigul District by considering the petitioner's representation dated 19.12.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner's father Jamal Maitheen enjoyed two connections.

(a) Agricultural connection

(b) Residential connection.

3. Anti Power Theft Squad of TANGEDCO detected energy theft in the agricultural service connection. A sum of Rs.87,000/- was directed to be paid as assessment charges. Challenging the same, W.P.(MD)No.11128 of 2021 was filed.



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4. It is relevant to note here that the petitioner's father had died way back in the year 2012. The said writ petition was filed by the petitioner himself. The petitioner did not obtain any interim order of stay. In the meanwhile, other connection for the dwelling house was also disconnected. Seeking restoration of the same, the present writ petition came to be filed.

5. The learned standing counsel appearing for TANGEDCO points out that both the connections even now stand only in the name of the father of the petitioner and when the demand has been raised in respect of one connection, if the same is not cleared, it is open to TANGEDCO to disconnect the other supply also.

6. The stand of the respondents is technically correct. However taking into account the fact that the restoration is sought in respect of the dwelling house and challenge has been mounted in respect of the demand for payment of assessment charges, interest of justice will be made by directing restoration of the electricity supply for the dwelling house subject to appropriate terms.

7. The petitioner comes forward to remit a sum of Rs.50,000/- without prejudice to his right to pursue his remedy in W.P.(MD)No.11128 of 2021.



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Upon payment of the said amount of Rs.50,000/-, the petition mentioned residential connection shall be restored forthwith and without any delay. The rights of the petitioner will abide by the outcome of W.P.(MD)No.11128 of 2021.

8. The writ petition is allowed on these terms. No costs.

03.03.2023

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 07.03.2023



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G.R.SWAMINATHAN, J.

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