



W.P.(MD)No.16329 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16329 of 2019

and

W.M.P.(MD)No.12981 of 2019

V.Sankaranarayanan

... Petitioner

versus

1. The Executive Engineer,
Operation and Maintenance,
Revenue Branch South,
Madurai – 625 001.
2. The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Maahalippatti Distribution,
Madurai Town, Madurai – 1.
3. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Anuppanadi Distribution,
Madurai – 9.
4. A-2656 Southern Railway Employees and
General Co-operative Building Society Ltd.,



W.P.(MD)No.16329 of 2019

Near Solaimalai Theatre,
Arasaradi, Madurai.

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5. J.Stephen Simson

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in letter No.EE/O&M/AAO/RB/F.TA.Notice AS.7 Dno.598/ dated 15.05.2019 against the petitioner's electricity connection No.050330031515 and set aside the same as illegal and arbitrary, consequently direct the 1st respondent to restore the petitioner's electricity connection as stated above.

For Petitioner : Mr.R.Sevugaraja

For R1 to R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner is a retired Electrician, who served in Arulmigu Meenakshi Amman Temple, Madurai. Theft of energy was committed by the petitioner's tenant in the year 2003. Since the electricity service connection stands in the name of the petitioner, the respondent



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Electricity Board has imposed a penalty of Rs.1,85,281/- on the petitioner for the theft of energy. The petitioner has not paid that amount. Therefore, the respondent Board has fixed a sum of Rs.6,78,167/- towards penalty and interest. Aggrieved over the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submits that the petitioner is aged about 70 years and he is not in a position to pay this huge amount and that too for the mischief committed by the tenant.

3. The learned counsel for the petitioner further submits that this matter has already been referred to the Lok Adalat on the previous occasion. The respondent Board has stated before the Lok Adalat that the respondent Officials are not having any power to reduce the amount and if it is an order of the court, they will comply with the same and therefore, the matter has been referred to this Court again.



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4. The learned counsel for the petitioner further submits that the petitioner is now prepared to pay a sum of Rs.3,00,000/- towards the penalty on the theft of energy committed by the tenant.

5. Considering the fact that the petitioner is aged about 70 years and the issue is pending for the past 20 years and also in view of the mischief committed by the petitioner's tenant, the respondent Board shall consider the case of the petitioner sympathetically.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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