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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.20668 of 2022

P.Thoppusamy

... Petitioner

vs.

The Executive Engineer,
Usilampatty Electricity Distribution Circle,
TANGEDCO, SS Complex,
Usilampatty, Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to return the payment of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) received from the petitioner for TATKAL Agricultural Electricity Connection on 10.10.2019 along with the interest at the rate of 18% from the date of rejection of the petitioner's application, ie., 11.05.2020 within the time stipulated by this Court.

For Petitioner :Mr.M.Murugan
For Respondent :Mr.S.Deenadhayalan



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ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondent/Executive Engineer, Usilampatty Electricity Distribution Circle, TANGEDCO, Usilampatty, Madurai, to return a sum of Rs.2,75,000/-, paid by the petitioner towards Tahtkal Agricultural Electricity Connection on 10.10.2019. It is also stated that the amount should be returned together with interest. The petitioner had given a representation on 11.05.2020.

2.Heard Mr.M.Murugan, learned Counsel for the petitioner and Mr.S.Deenadhayalan, learned Counsel for the respondent.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner had applied for Tahtkal Agricultural Electricity service connection on 10.10.2019 and had paid a sum of Rs.2,75,000/- through D.D.No.504954 purchased from Indian Bank, Uthappanayakkanur, on 10.10.2019. He had enclosed a joint patta. At that time, the other pattadhar, namely, Pandi, had submitted an objection and therefore, the petitioner was not granted electricity service



connection.

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4.Subsequently, the petitioner had approached the respondent with sub divided patta in his own name in S.No.145/2 in Kalloothu Village, Usilampatti Taluk, Madurai District. It was informed that electricity service connection cannot be granted under the Tahtkal scheme. Thereafter, the petitioner had again approached the respondent and paid necessary charges and independently obtained electricity service connection. The petitioner had then given an application seeking return of the sum of Rs.2,75,000/- together with interest.

5.It would only be appropriate that the respondent returns back the amount, which they have received from the petitioner herein, namely, a sum of Rs.2,75,000/-. They had not provided electricity service connection under Tahtkal scheme. On the other hand, after the petitioner had sub divided the patta and obtained patta in his own name, he had applied fresh and paid necessary charges and had obtained electricity service connection. This amount of Rs.2,75,000/- paid by the petitioner had not been returned by the respondent. It should be returned by the



respondent.

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6.The respondent may also understand that if an internal audit is done, then they would have to explain as to the outstanding credit of Rs.2,75,000/- for which no corresponding electricity service connection under Tahtkal scheme was granted and as a matter of fact, the same was rejected. Then this amount would having been transferred to the suspense account and this would be only give rise to more questions and the respondent herein should understand that he would be personally called upon to explain about the outstanding credit. Therefore, in the interest of the respondent himself, it would only be appropriate that the petitioner's amount has to be returned back to the petitioner herein.

7.Though the petitioner had sought the amount with interest, this Court under Article 226 of Constitution of India, cannot direct such interest to be paid, since the respondent had also not invested the amount in an interest earning account. The amount would only be lying in deposit with the respondent unutilised. That amount may be returned back to the petitioner herein.



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8.A direction is given that the respondent may make necessary book entries and return back the amount to the petitioner on or before 15.06.2023.

9.The Writ Petition stands allowed. No order as to costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

17.04.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.20668 of 2022

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