



W.P.(MD)No.17082 of 2014 & W.P(MD)No.211 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17082 of 2014

and

W.P(MD)No.211 of 2015

and

M.P.(MD)No.1 of 2014

and

M.P.(MD)No.1 of 2015

W.P.(MD)No.17082 of 2014:-

R Fithelis V.Rayar (Died)

1.Angalit Ammal

... Petitioner

*(P1 is suo motu substituted vide order dated
15.09.2023 made in W.P.(MD)No.17082 of
2015 by GRSJ)*

Vs.

1.The Executive Engineer,
Distribution/Urban,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Tuticorin - 628 002.

2.The Assistant Engineer,
Distribution/Urban,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Tuticorin - 628 002.

... Respondents



W.P.(MD)No.17082 of 2014 & W.P(MD)No.211 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned order made in Ka.No.U.Po/Na/va/Thoodi/Ko.Kattu/A.No.422/14 dated 21.08.2014 and quash the same as devoid of merits and consequently direct the respondents to restore the electricity connection No.NB.963 (341-002-963) by accepting the pending due amount of Rs.40,000/- per month from September 2013 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

W.P.(MD)No.211 of 2015:-

R Fithelis V.Rayar (Died)

1.Angalit Ammal

2.Jemima

... Petitioners

(P1 & P2 are suo motu substituted vide order dated 27.01.2021 made in W.P.(MD)No.211 of 2015 by GRSJ)

Vs.

1.The Executive Engineer,
Distribution/Urban,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Tuticorin - 628 002.

2.The Assistant Engineer,
Distribution/Urban,
Tamil Nadu Electricity Generation and



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Distribution Corporation,
Tuticorin - 628 002.

... 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 electricity service connection No.NC.109 at the petitioner's residence No.77A, Theraspuram, Tuticorin with immediate effect.

For Petitioners : Mr.Ananth C.Rajesh

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

COMMON ORDER

Heard the learned counsel on either side.

2.The substituted petitioner had taken on lease the ice plant owned by Tamil Nadu Fishery Department, which enjoyed connection in S.C.No.298. In July 2001, energy theft was detected. Crime No.661 of 2001 was registered on the file of Tuticorin South Police Station. Writ



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petitions were filed. It is not necessary to refer to the entire trajectory of litigation. Suffice to say, that an award passed in Lok Adalat. As per the award, it was agreed to pay a sum of Rs.28,00,000/- full and final settlement. This amount was to be cleared in 30 installments. Since the original writ petitioner committed default, TANGEDCO once again resorted to coercive steps. The original writ petitioner thereupon filed W.A.(MD)No.594 of 2008. The amount payable by the petitioner was now enhanced to Rs.35,00,000/-. The petitioner was to pay Rs.2,50,000/- immediately and the balance amount of Rs.32,50,000/- was to be cleared in 82 monthly installments of Rs.40,000/- each. After paying 29 installments without default, the original writ petitioner once again defaulted. That led to filing of E.P.No.45 of 2014 for recovering the balance amount. Parallely, the domestic connection was also cut off. The TANGEDCO called upon the petitioner to pay the balance amount of Rs.8,27,865/-. It is this demand made vide communication 21.08.2014, that is put to challenge in W.P.(MD)No.17082 of 2014. Since the domestic connection was cut off, W.P.(MD)No.211 of 2015 was also filed.



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3.Interim order for restoring the connection was issued by this Court subject to payment of Rs.1,00,000/-. The petitioner had complied with the said connection.

4.As on date, the petitioner is very much enjoying the connection. It is also stated that installments are continuing to be remitted. As per the terms of the order passed by this Court, the petitioner should have paid a sum of Rs.40,000/- per month. The sum demanded from the petitioner was Rs.8,27,865/-. It means that in two years, the petitioner must have cleared the entire liability. The petitioner had enjoyed the benefit of interim order for more eight years. She is not entitled to any further indulgence. These writ petitions are disposed of in the following terms:-

(i) The petitioner is directed to pay whatever is the balance amount within a period of four months from today ie., 15.09.2023, if any. In the event of failure on the part of the petitioner to comply with this order, the domestic electricity service connection given to the petitioner shall be cut off.



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(ii) The respondents will take into account the payments made by the petitioner in the execution proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

15.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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and
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**15.09.2023
(2/2)**