



W.P(MD)No.24590 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 13.10.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.24590 of 2023

and

W.M.P.(MD)Nos.20772, 20774 and 21188 of 2023

K.Malaiyandi

... Petitioner

**Vs.**

1.The Superintending Engineer,  
Tamilnadu Generation and Distribution  
Corporation Limited,  
Near Old Bus Stand,  
Pudukkottai Town,  
Pudukkottai.

2.The Assistant Executive Engineer,  
Operation and Maintenance,  
Tamilnadu Generation and Distribution  
Corporation Limited,  
Ponnamaravathi,  
Pudukkottai District.

3.The Junior Engineer,  
Tamilnadu Generation and Distribution  
Corporation Limited,  
Ponnamaravathi,  
Pudukkottai District.

... Respondents



**W.P(MD)No.24590 of 2023**

**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 records pertaining to order passed by 2nd Respondent in order dated 16.07.2022 vide AE/Oum/Urban/Ponnamaravathi and quash the same and consequently direct the respondents to restore the petitioner agriculture electricity connection in No.4 and also consequently cancel the fine amount of Rs.2,21,778/- imposed under consequential order dated 26.04.2023 in U.Me, Po/E&Ka/Nagar/Pon-Vathi/Ko.Min.Thiru/A-No.77/23-24.

*(Prayer is amended vide order dated 13.10.2023 in W.M.P.(MD)No.21187 of 2023 in W.P.(MD)No.24590 of 2023 by GRSJ)*

For Petitioner : Mr.K.G.Arunkumar

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

### **ORDER**

Heard both sides.

2.The writ petitioner is having two electricity service connections. One is free agricultural service connection. The other service is for the



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petitioner's brick kiln. When surprise inspection was conducted by anti-power theft squad of TANGEDCO on 16.07.2022, it was found out that the free agricultural service connection had been diverted for supplying electricity supply to the petitioner's brick kiln unit. Provisional notice and assessment order were also passed. The petitioner was not there. The caretaker of his land / Senthilkumar was present. He had paid a sum of Rs.16,000/- towards compounding charges. The payment of compounding charges helps to avoid prosecution. But it clearly implies admission of guilt. Once compounding charges have been paid, the assessee subsequently cannot claim innocence. The petitioner is therefore obliged to pay the compensation charges of Rs. 2,21,778/-. Since it was not paid, the free agricultural service connection was rightly cut off. The petitioner now comes forward to pay the same in four equally monthly installments. In view of the undertaking given by the petitioner, this writ petition is disposed of as follows:-

(a) The impugned order is sustained.

(b) The petitioner shall pay a sum of Rs.71,778/- as first installment. Upon the petitioner paying the same, the electricity service



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connection shall be restored. The petitioner will have to pay the re-connection charges also.

(c) Thereafter, the petitioner shall pay the remaining amount of Rs.1,50,000/- in three equal monthly installments. The petitioner has to pay each monthly installment before expiry of 5<sup>th</sup> day of the month. If the petitioner commits default, without any issuance of further notice, the service connection will be cut off. No costs. Consequently, connected miscellaneous petitions are closed.

**13.10.2023**

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

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**13.10.2023**  
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