



W.P(MD)No.28853 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28853 of 2023

and

W.M.P.(MD)No.24897 of 2023

Muthupandi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Operation and Maintenance,
TANGEDCO,
Madurai.

2.The Executive Engineer,
Tamil Nadu Operation and Maintenance,
TANGEDCO,
Thirumangalam,
Madurai District.

3.The Assistant Executive Engineer,
Tamil Nadu Operation and Maintenance,
TANGEDCO,
Thirumangalam South,
Madurai District.

4.The Assistant Engineer,
Tamil Nadu Operation and Maintenance,
TANGEDCO,
Kallikudi,
Madurai District.

... Respondents



W.P(MD)No.28853 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned demand slips issued by the 4th respondent dated 25.11.2023 and quash the same as illegal.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.Deenadhayalan

ORDER

Heard both sides.

2. The petitioner is an agriculturist. He is enjoying free electricity service connection. On the occurrence date, the inspection squad of TANGEDCO detected the commission of energy theft. During the relevant time, the petitioner was away. The compounding charges had been collected from the petitioner's wife. Thereafter, the impugned assessment order also came to be passed. The stand of the petitioner is that the impugned assessment order is non-speaking and therefore, he is unable to file any appeal.

3. In normal circumstances, the payment of compounding charges means the admission of guilt. When the compounding charges was not paid by the person in whose name connection is standing, the said principle may not be applied in all circumstances. The petitioner's wife being a village woman was



W.P(MD)No.28853 of 2023

probably frighting in making payment. Therefore, while the payment of compounding charges will hold good, that may not be put against the petitioner.

While I decline to interfere with the impugned order, the respondents are directed to serve a speaking order on the petitioner within two weeks. It is for the petitioner to challenge the same by filing an appeal before the appellate authority. The petitioner's service connection shall not be disconnected for a period of four weeks.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.28853 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.28853 of 2023

06.12.2023