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W.P.No.28675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28675 of 2024

and

W.M.P.Nos.31275 & 31276 of 2024

P.Jothi

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Pondy East Road,
Villupuram.

2.The Assistant Executive Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Villupuram Distribution Circle,
Tindivanam East,
Tindivanam – 604 001.

3.Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Murukkery Thiruvathi Village,
Marakkanam Road,
Tindivanam, Villupuram District – 604 301.

4.The Assistant Engineer,
(Operation and Maintenance),
Tamil Nadu Generation and Distribution Corporation Ltd.,
Anumanthai Distribution Circle,
Villupuram.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 03.07.2024 vide Ka.No. U.Se.Po. (O & M)/Murukeri/Ko.Kattu/No. 089/24 issued by the 3rd respondent and quash the same and consequently, issue direction forbearing the respondents from disconnecting the free electricity service connection number 477-006-1526 located at Therkku Thoppu, Anumanthai Village & Post, Marakkanam Taluk, Villupuram District – 604 303.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.V.Venkata Seshaiya
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 03.07.2024 vide Ka.No. U.Se.Po. (O & M)/Murukeri/Ko.Kattu/No. 089/24 issued by the 3rd respondent and quash the same and consequently, issue direction to forbear the respondents from disconnecting the free electricity service connection number 477-006-1526 located at Therkku Thoppu, Anumanthai Village & Post, Marakkanam Taluk, Villupuram District – 604 303.



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2. Mr.V.Venkata Seshaiya, learned Standing Counsel accepts notice on behalf of the respondents. In view of the consent expressed by both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, he is doing production of Coir from coconut fibre in the name and style of M/s.Perumal Coir Factory and he obtained an electricity service connection number 477-006-2642-IIIB and there is a free electricity service connection vide 02-477-006-1526 in the name of his father Perumal for agricultural purpose. On 03.07.2024, when he was not in village, the 4th respondent and his team came and served a notice that inspection to be conducted in the service connection number 477-006-2641/III B power line (Correct No.477-006-2642 -IIIB), which is used for Coir factory and the notice was served to one Ramu, who was working in the said coir factory and they could not find any fault or energy in the said service connection. They have also conducted inspection in connection No.02-477-006 -1526 which was used for the agricultural purpose and found that the water was being sprinkled on the coconut by using hose pipes. The 4th respondent



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informed that there were illegalities and mistakes committed in the service connection number 477-006-1526 and directed the worker Ramu to pay a sum of Rs.10,000/- and the same was paid to avoid disconnection of the power connection, however, no receipt was issued on that day. On 04.07.2024, the petitioner went to the office of the 2nd respondent and he was informed that the details of inspection would be furnished later and the receipt was issued on 04.07.2024 for the payment of Rs.10,000/- made on 03.07.2024. Thereafter, the petitioner sent a representation dated 05.07.2024 to the respondents requesting them to furnish the details of the inspection enabling him to workout the remedy in the manner known to law. On 10.07.2024, the 4th respondent has furnished the working sheet for energy theft and the impugned order dated 03.07.2024 passed by the 3rd respondent addressed to the petitioner's worker Ramu directing to pay a sum of Rs.57,810/- stating that the energy theft was committed in service connection number 477-006-1526. Aggrieved by the same, the petitioner has filed the above writ petition before this court.

4. Heard learned counsel on either side and perused the materials available on record.



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5. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the impugned order passed by the 3rd respondent, there is an effective remedy available before the appellate authority, the learned counsel for the petitioner restricted the prayer and sought for permission of this Court to approach the appellate authority by way of making appropriate application, for which, the learned Standing Counsel appearing for the respondents has not raised any objection.

6. In view of the above, this Court, without interfering with the impugned order dated 03.07.2024, grants liberty to the petitioner to workout the remedy in the manner known to law.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No



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M.DHANDAPANI, J.

sp

To

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