



W.P.No.35141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35141 of 2024

S.Sivapragasam

... Petitioner

VS.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Nagapattinam 611 001.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
Nagapattinam 611 001.

3.The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution Corporation,
Nagapattinam 611 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 30.10.2023 and direct the 2nd Respondent to conduct an enquiry based on the communication made by the 1st Respondent dated 10.11.2023.

For Petitioner : Mr.A.Sundara Vadhanan

For Respondents : Mr.D.B.R.Prabhu
Standing Counsel (TNEB)



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ORDER

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The Writ Petition is filed seeking a direction to the respondents to consider the petitioner's representation dated 30.10.2023 and to direct the 2nd respondent to conduct an enquiry based on the communication made by the 1st respondent dated 10.11.2023.

2. It is the case of the petitioner that he owns 3 acres of agricultural land in Settipulam Village. The petitioner has got free electricity service connection for irrigation purpose in Service Connection No.06-512-055-558 TF IV. The petitioner also started a Fish Farm in the above mentioned agricultural land and started Fish Hatchery. It is stated that for the purpose of using electricity for Fish Hatchery, the petitioner purchased private electricity service connection from the respondents-Electricity Board bearing Service Connection No.1212 and electricity charges were also paid. However, the respondents disconnected agricultural service connection of the petitioner on 20.09.2023 on the ground that the petitioner misused the free electricity service connection by utilising the same for fish hatcheries. The respondents imposed a fine of Rs.16,000/- and the same was also paid.



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by the petitioner. On 27.09.2023, the petitioner submitted a representation before the 3rd respondent stating that the petitioner started fishery cultivation only on 25.08.2023 and therefore, respondents cannot impose the theft fine as if, the petitioner used free electricity for fish hatchery for more than 12 years. Subsequently, the petitioner also issued a legal notice to the respondents on 30.10.2023 through his Advocate.

3. The 1st respondent in his communication dated 10.11.2023 directed the 2nd respondent to consider the representation of the petitioner and pass final orders. In spite of the said direction, the 2nd respondent has not conducted any enquiry on the representation of the petitioner. Hence, the petitioner has come before this Court with the above mentioned prayer.

4. The learned Standing Counsel (TNEB) appearing for the respondents would submit that the representation of the petitioner dated 30.10.2023 will be considered by the 2nd respondent in accordance with law.

5. Therefore, the 2nd respondent is directed to consider the representation of the petitioner dated 30.10.2023 and pass final



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orders as directed by the 1st respondent in his Proceedings

No. கு.ஆ.எண்:மே.பொ/நாமபவ/நாகை/உ.செ.பொ/வளர்/கோ. Advocate petition/

அ.எண்:667 2023, நாள்:10.11.2023. The enquiry of the 2nd respondent shall be completed and final orders shall be passed on the representation of the petitioner in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

12.12.2024

Index :Yes/No
Speaking order :Yes/No
Neutral Citation :Yes/No
dm



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S.SOUNTHAR, J.

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