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W.P.(MD)NO.7076 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7076 of 2024 AND
W.M.P.(MD)Nos.6543 to 6545 of 2024

Anandhraj

... Petitioner

Vs.

1. The Electricity Consumer Grievance Redressal Forum,
rep. by Superintending Engineer,
TANGEDCO, Thanjavur Distribution Circle,
Thanjavur.
2. The Executive Engineer,
Execution and Maintenance,
TANGEDCO, Pattukkottai, Thanjavur District.
3. The Executive Engineer,
TANGEDCO,
Execution and Maintenance,
Mathukoor, Thanjavur District.
4. M.Sasikumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the 1st respondent dated 10.07.2023 and quash the same as arbitrary.



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2

W.P.(MD)NO.7076 OF 2024

For Petitioner : Mr.R.Ponkarthikeyan

For R-1 to R-3 : Mr.S.Deenadhayalan,
Standing counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for respondents 1 to 3.

2. Issuance of notice to the fourth respondent is dispensed with.

3. The petitioner challenges the order dated 10.07.2023 passed by the Electricity Consumer Grievance Redressal Forum, Thanjavur. The impugned order directs the petitioner to shift the petition mentioned electric poles and meter under DCW scheme. The petitioner counsel points out that this order was passed behind his back. It is seen that the trigger for filing the writ petition is the order obtained by the fourth respondent in W.P.(MD)No.4466 of 2024 vide order dated 26.02.2024. The said writ petition was disposed of by me at the admission stage in the following terms:-

“2.The case of the petitioner is that electric poles had been erroneously installed in his patta land. The



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petitioner complained to the first respondent. The second respondent issued notice to the fourth respondent. After conducting enquiry, the first respondent passed an order dated 10.07.2023. The grievance of the petitioner is that this order is yet to be implemented. If the order dated 10.07.2023 passed by the President, Consumer Redressal Forum, Thanjavur/first respondent has not been stayed or set aside, it shall be implemented forthwith and without any delay.”

4. There is some merit in the petitioner's counsel's contention that when the petitioner had already moved the jurisdictional civil Court by filing O.S.No.294 of 2023 on the file of the Sub Court, Pattukkottai, the impugned order ought not to be enforced. Even though I had allowed the writ petition filed by the fourth respondent, I am inclined to grant breathing time to the petitioner herein. No coercive step will be taken again. The impugned order will not be enforced till 30.04.2024. The petitioner is given liberty to file an IA in the pending suit. The petitioner's counsel states that such an IA shall be filed by the end of next week. It shall be numbered immediately. It is stated that the defendants have entered appearance. The learned trial Judge shall dispose of the IA to be filed by the petitioner on merits and in accordance with law on or before 15.04.2024. The petitioner's right will abide by the outcome of the



said IA. I make it clear that I have not gone into the merits of the matter.

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5. Granting such breathing time, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

Note: (1) Issue order copy on 25.03.2024.

(2) Registry to mark a copy of this order to the learned Sub Judge, Pattukottai.

Copy To:

The Sub Judge,
Pattukottai.



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5

W.P.(MD)NO.7076 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.7076 of 2024

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