



W.P.(MD) No.15178 of 2015

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

**DATED : 12.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.(MD) No.15178 of 2015

and

M.P.(MD) No.1 of 2015

M.Palgees Amma

.. Petitioner

Vs.

1.The Superintending Engineer,  
Taminadu Electricity Generation and  
Distribution Corporation,  
Trichy, Trichy District.

2.The Assistant Engineer,  
Operation and Maintenance/South,  
TANGEDCO,  
Vaiyampatti,  
Trichy District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating the impugned order dated 30.06.2015 க.எண்.உ.மி.பொ.இ.கா.தெ.வை.க.ஆ.கோ.எண்.92 passed by the second respondent and quash the same and consequently direct the first respondent to take appropriate departmental action against the second



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respondent based on the petitioner's representation dated 10.07.2015 besides directing to pay compensation to the petitioner.

For Petitioner : Mr.E.Prahalad Ravi

For Respondents : Mr.S.Deenadhayalan  
Standing Counsel

### **ORDER**

The challenge in the writ petition is to the demand made by the second respondent on the premise that the domestic service connection given to the petitioner had been misused by extending the same for the new construction, which would be a temporary connection under commercial tariff.

2. Learned counsel for the petitioner would contend that before making such demand, the second respondent had not put the petitioner on notice. He would further contend that under G.O.Ms.118, Energy (B.2) Department, dated 27.11.2006, for initiating action under Section 126 of the Electricity Act, 2003, an Officer not below the rank of the Assistant Executive Engineer alone can take action and hence, the second



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respondent does not have authority to issue such a demand. Therefore, he seeks to set aside the order impugned herein.

3. However, on the other hand, the learned Standing Counsel appearing for the respondents would contend that the petitioner had misused the electricity connection given to him and the same has not been disputed by the petitioner. When that be so, the Department cannot suffer loss at the hands of the petitioner and hence, he would seek dismissal of the writ petition.

4. I have considered the submissions made on either side.

5. A plain reading of the order impugned does not indicate that the petitioner had been issued with any show cause notice before making such a demand. Further, a perusal of the Government Order referred to above and relied on by the learned counsel for the petitioner would indicate that the Officer not below the rank of Assistant Executive Engineer could initiate action for unauthorised use of electricity.



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Therefore, the second respondent would not have any authority to make a demand without any order of assessment that has been made by the Assistant Executive Engineer concerned. In such view of the matter, the impugned demand made by the second respondent is liable to be set aside and is accordingly, set aside. It is open to the concerned Assistant Executive Engineer to initiate appropriate action against the petitioner by issuing appropriate show cause notice to the petitioner, however after hearing the writ petitioner.

6. With the aforesaid liberty, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**12.11.2024**

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

abr



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To

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**K.KUMARESH BABU, J.**

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