



WP(MD). No.22015 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 13/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22015 of 2024

Vijayalakshmi

... Petitioner

Vs

1. The District Collector,
District Collectorate Office,
Dindigul District.

2. The District Revenue Officer,
District Collector Office,
Dindigul District.

3. The Revenue Divisional Officer,
Sub Collector Office,Dindigul District.

4. The Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.,
(Tneb), Dindigul,
Dindigul District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to release the withheld amount of Rs.24,85,469/- (Rupees Twenty Four Lakhs Eighty Five Thousand Four Hundred and Sixty Nine



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only) to the petitioner with 9 percentage interest from the date of petitioner sale deed to 3rd respondent on considering the petitioners representation dated 12.08.2024.

For Petitioner : Ms.S.Devasena,

For Respondents : Mr.D.Gandhiraj for R1 to R3
Special Government Pleader
Mr.S.Deenadayalan for R4

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the 3rd respondent to release the amount of Rs.24,85,469/- (Rupees Twenty Four Lakhs Eighty Five Thousand Four Hundred and Sixty Nine only), which was withheld by the 3rd respondent to the petitioner with 9% interest by considering the petitioners representation dated 12.08.2024.

3. The case of the petitioner in nutshell is that the petitioner's husband is the owner of the property comprised in S.No.149/1 New No. 149/1B1A, which was acquired through Land Acquisition Act in the year 2019 for construction of fly-over. It is her case that for alleged theft of



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electricity, the 4th respondent has initiated proceedings in the year 2000, for which, a suit in OS No.321/2000 filed by the electricity department for recovery of the said sum, which has also been dismissed. A criminal case has also been registered against the petitioner's husband, which ended in acquittal in SC No.3/2009 on the file of the Special Court, FTC, Dindigul. In the meanwhile, the land was acquired by the third respondent. Thereafter, the electricity department issued demand notice, which has been challenged before this Court in WP(MD) No.5511/2020. This Court allowed the said writ petition, challenging the said order, TANGEDCO filed writ appeal, which was dismissed on 12.07.2024 in WA(MD) No.878/2020. While disbursing the acquisition amount, on the request made by the electricity department, the said amount has been withheld by the department. Hence, the petitioner is before this Court with this writ petition.

4. The learned counsel for the respondent TANGEDCO has not disputed the factual aspects with regard to the dismissal of the proceedings initiated in respect of the alleged energy theft and writ petition filed and writ appeal and the dismissal of the writ appeal. As the



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proceedings have gone against the TANGEDCO, the authorities cannot withhold the amount, which is to be payable to the petitioner.

5. In view of the above, the third respondent is directed to release the amount immediately, if the amount has been deposited and if the amount is not deposited, the amount shall be paid with interest at 7.5% within a period of one month from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

13.09.2024

RR

TO

1. The District Collector,
District Collector Office,
Dindigul District.
2. The District Revenue Officer,
District Collector Office,
Dindigul District.
3. The Revenue Divisional Officer,
Sub Collector Office, Dindigul District.

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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.22015 of 2024**

Date : 13/09/2024