



W.P(MD)No.21643 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21643 of 2024

and

W.M.P.(MD)No.18281 of 2024

M.A.Vaithianathan

... Petitioner

Vs.

1.The Assistant Executive Engineer,
TANGEDCO, Tamil Nadu Electricity Board,
Electrical Sub-Station, Viralimalai,
Pudukkottai District.

2.Panneerselvam

3.Kannappan

4.Chandrasekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Ka.No.Vu.Sae.Po/E.Ka/V.Malai/Ko.Kattu/A.No.583/24-25, dated 04.09.2024 and quash the same as illegal, without jurisdiction and violative of principles of natural justice and consequently, forbearing the 1st respondent from disconnecting the electricity connection with respect to Alagappa Silks and Readymade Shop's Service No.170-016-103 situated at Pudukkottai District, Viralimalai, Trichy-Madurai Main Road in Old S.F.No. 37/12 and New S.F.No.262/18.



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For Petitioner : Mr.S.Krishnan
For R1 : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

Challenge has been made to the proceedings of the 1st respondent, dated 04.09.2024, communicating that the electricity service connection to the petitioner's shop will be disconnected on 13.09.2024.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.A perusal of the affidavit and typed set of papers annexed in this Writ Petition shows that the father of the petitioner has already filed W.P.(MD)No.15522 of 2020, challenging the communication of the 1st respondent, dated 28.10.2020, wherein it is stated that the electricity connection to the shop in question will be disconnected on 06.11.2020. This Court, vide order dated 16.02.2024, allowed the Writ Petition, directing the petitioner to pay a sum of Rs.1,00,000/- to the 6th respondent / 2nd respondent herein within a period of five weeks from the date of receipt of a copy of the order. The relevant portion of the said order reads as follows:-



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“ 8.....With this direction to the learned trial Judge to dispose of the suit filed by the sixth respondent within a period of 12 months and direction to the petitioner to pay a sum of Rs.1 Lakh to the sixth respondent within a period of five weeks from the date of receipt of a copy of this order, the impugned communication is set aside. If the petitioner fails to pay the aforesaid sum to the sixth respondent, the petitioner will not be entitled to avail the benefit of this order and it will be open to TANGEDCO to effect disconnection without any further notice.”

4.Now, it is informed by the learned Standing Counsel for the 1st respondent that the petitioner has not paid the amount as directed by this Court in the said Writ Petition. Therefore, pursuant to the directions of this Court, once again, the impugned notice has been issued.

5.The learned counsel appearing for the petitioner would submit that in view of the death of the petitioner's father, the amount could not be paid. Today (i.e.,11.09.2023), the petitioner deposited the amount by way of demand draft in favour of the second respondent herein and a copy of the demand draft has also been placed before this Court. Hence, he seeks indulgence of this Court.



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6. In view of the above, as the petitioner explained the delay for not paying the amount as directed by this Court in time and now, he has taken demand draft for the said amount and the impugned order passed only for not complying the order of this Court, this Court directs the petitioner to send the demand draft to the second respondent by a registered post today itself. The respondent shall not proceed for disconnecting the electricity connection to the petitioner's shop.

7. Accordingly, the impugned order passed by the first respondent in Ka.No.Vu.Sae.Po/E.Ka/V.Malai/Ko.Kattu/A.No.583/24-25, dated 04.09.2024 is set aside and this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

11.09.2024

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

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