



W.P.(MD) No.8507 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.8507 of 2016
and
W.M.P.(MD) Nos.6808 and 9364 of 2016**

Dr.S.Subramani

... Petitioner

/vs./

The Assistant Executive Engineer,
(Operation and Maintenance),
TANGEDCO, formerly called as TNEB,
Keeranoor,
Pudukkottai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the respondent in his proceedings No.Ka.No.Pu.Se.Po/E.Ka/Ke/No.183/2016 dated 07.04.2016 and quash the same as illegal.

For Petitioner : Mr.S.Ramakrishnan for
B.Jameel Arasu



WEB COPY

W.P.(MD) No.8507 of 2016

For Respondent : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The writ petition had been filed challenging the final order of assessment dated 07.04.2016 passed by the respondent herein.

2. It is the case of the petitioner that no document was produced or no evidence was recorded for holding the petitioner liable for having committed the theft of energy by using the domestic electric connection for the purpose of construction of a house. He would further submit that in spite of the Court's earlier order to grant sufficient opportunity, the respondent has not produced any document to drive home their theory of theft of energy and therefore, he would submit that the order impugned is not only an unreasonable order, but also an arbitrary order and therefore seek to set aside the same.

3. On the contrary, the learned standing counsel for the respondent would submit that the petitioner accepting to the delinquency had compounded the offence by paying a sum of Rs.1,000/- even as early as on 15.05.2010. When the petitioner himself has admitted to the offence, for which he had been proceeded



W.P.(MD) No.8507 of 2016

with, there is no necessity for the Department to once again substantiate the allegation of theft. What all remains is to the validity of the working sheet. He would submit that the petitioner had not assailed the working sheet and therefore, he is liable to make good the loss.

4. I have considered the rival submissions made by the learned counsel on either side.

5. Even though it is the case of the petitioner that the respondent had not given any reasons to hold that the petitioner had committed the act of theft of energy, as pointed out by the learned standing counsel for the respondent, since the petitioner had already accepted and compounded the said offence even as early as in the year 2010, I am of the view that the respondent need not further substantiate the allegations by producing any further evidence. The petitioner has also not assailed the working sheet, upon which a claim of Rs.43,730/- had been made. Even if the dispute is raised on that, this Court cannot in exercise of power under Article 226 of the Constitution of India cannot well upon the said disputed question of facts.



WEB COPY

W.P.(MD) No.8507 of 2016

6. In view of the reasonings and findings arrived at, I do not find any merit in this writ petition. In fine, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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27.11.2024



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W.P.(MD) No.8507 of 2016

K.KUMARESH BABU, J.

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W.P.(MD) No.8507 of 2016

27.11.2024