



W.P.No.8478 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.8478 of 2025

and

W.M.P.No.9496 of 2025

P.DURASAMY

... Petitioner

Vs

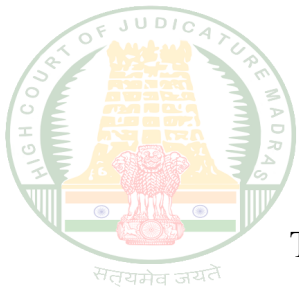
THE ASSISTANT EXECUTIVE ENGINEER(O & M),
TANGEDCO/THAYANUR,
MELMALAIYANUR TALUK,
VILLUPURAM DISTRICT.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records pertaining to the impugned letter No. AEE/O&M/Thayanur/F, Theft of Energy/D.No.107/24-25 dated 12.07.2024 on the file of the respondent and to quash the same as illegal, arbitrary and against the principles of natural justice.

For Petitioner	: Dr.G.Krishnamurthy
For Respondent	: Ms.M.S.Sindhuza assisted by Mr.V.Venkata Seshaiya

ORDER



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This writ petition is filed to quash the impugned letter No. AEE/O&M/Thayanur/F, Theft of Energy/D.No.107/24-25 dated 12.07.2024 and for other orders.

2. Upon perusing the affidavit filed in support of the petition and hearing the learned counsel for the petitioner, the grievance of the petitioner is that the authorities have passed an order concluding that there has been theft of energy. When the show cause notice was issued, the petitioner had already provided a detailed explanation. On the day of inspection, the petitioner was threatened and forced to give a confession statement, which is not correct. Even in the explanation, the petitioner has retracted from the confession and therefore, a detailed enquiry should have been conducted. However, without any enquiry, the present order has been passed. The petitioner, therefore, is before this Court, as he is now being forced to pay the amount determined by the authorities without being given an opportunity.

3. Per contra, the learned counsel appearing on behalf of the respondent authorities would submit that when the inspection was conducted, the petitioner was present and gave a categorical statement admitting his fault. The petitioner also expressly undertook to pay the compounding charges of

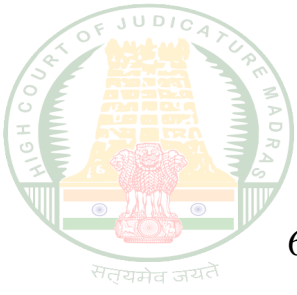


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Rs.6,000/- and the loss to the respondent on account of the theft. Based on his statement, no criminal complaint was lodged and accordingly, the amount has been assessed and is now required to be paid.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. When the petitioner on his own hand, has written a statement admitting the theft of energy, also prayed that no criminal case be filed against him and that he would make good the loss and pay a sum of Rs.6,000/- as compounding charges. The respondent corporation acted based on his confession and the amount has been determined as Rs.1,31,472/-. The petitioner cannot now be permitted to retract from the confession. Even otherwise, the retraction would not only entitle the respondent to conduct a detailed enquiry but they can also lodge a criminal complaint concerning the theft. When the petitioner does not want a criminal case to be lodged against him and has given a statement agreeing to compound the matter, he cannot now take a different stand with reference to the payment of the assessed charges



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6. It is stated that the petitioner has paid three installments and the remaining three monthly installments shall be paid on or before 05.04.2025, 05.05.2025 and 05.06.2025. If the petitioner defaults in those installments, the respondent will be entitled to disconnect the electricity.

7. In view thereof, finding no merits, with the above permission, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

12.03.2025

Neutral Citation: Yes/No
nsl

To
THE ASSISTANT EXECUTIVE ENGINEER(O & M),
TANGEDCO/THAYANUR,
MELMALAIYANUR TALUK,
VILLUPURAM DISTRICT.

D.BHARATHA CHAKRAVARTHY, J.



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