



WEB COPY

WP No. 36880 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 36880 of 2025
and WMP No. 41244 OF 2025**

Kavitha

Petitioner(s)

Vs

1. The Superintending Engineer
Tangedco, Coimbatore

2.Teh Assistant Electrical Engineer
Operation And Maintenance,
Tangedco, Coimbatore South Circle,
Akaduvettipalayam, Coimbatore

3.The Executive Engineer
Tangedco, Somanur, Coimbatore

4.Assistant Executive Engineer
Tangedco, Arasu, Coimbatore

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, call for records relating to the impugned order passed by the 2nd respondent dated 04.09.2025 in letter No U Mi Po / E and PE/Ka. Pa/Va.Aa/Koppu kattu /Vi. no. 2025/26 and quash the same consequently direct the 2nd respondent to remove the attachment of penalty interest amount in the petitioners electricity service connection no. 291-001-2011.

For Petitioner(s): Mr.C.S. Saravanan

For Respondent(s): Mr.L.Jai Venkatesh
Standing Counsel

**ORDER**

This petition has been filed seeking to quash the impugned order passed by the 2nd respondent dated 04.09.2025 in letter No U Mi Po / E and PE/Ka. Pa/Va.Aa/Koppu kattu /Vi. no. 2025/26 and quash the same consequently direct the 2nd respondent to remove the attachment of penalty interest amount in the petitioners electricity service connection no. 291-001-2011.

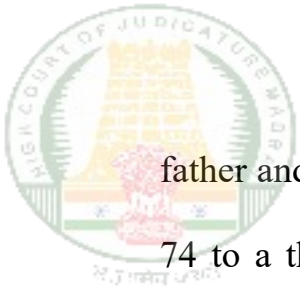
2. It is the case of the petitioner that the respondent conducted a urprise inspection on 12.02.2002 and found that there was a electricity theft in the service connection in peritioner's premises, for which, a criminal case has been registered by the Inspector of Police, Karumattampatti Police Station, Coimbatore District for the alleged electricity theft for a sum of Rs.3,05,091/- under Section 135 of the Electricity Act against the petitioner's father Kandasamy and charge sheet filed in STC. No.1 of 2008 before the Special Court cum District Munsif court, Coimbatore and acquitted the petitioners father by a judgment dated 19.07.2010 and the said subject property was sold to Saraswathy on 06.02.2012. After a period of 15 years, the third respondent sent a communication on 17.07.2017 to the petitioner's father stating that though a criminal case was closed but he is liable to pay a sum of Rs.3,05,091/- Due to illness, the petitioners father died. Thereafter, the second respondent issued a letter dated 17.02.2025 demanding a sum of Rs.12,35,619/- as BPSC interest of



the petitioner's father and directed the petitioner and her sister to pay the same as legal heirs within seven days from the notice. The second respondent issued another notice to the petitioner on 07.03.2025 informing that due to non-payment of interest amount, the petitioner's electricity service connection will be attached for the said amount within 30 days from the date of the notice. Hence, the petitioner made a detailed reply through counsel on 14.03.2025 and the same was not considered by the second respondent and passed the impugned order dated 04.09.2025 by attaching a sum of Rs.12,35,619/- into the petitioner's electricity service connection. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the respondents ought to have recover the entire alleged amount from the land owner, who dealt with the subject matter of the property, or they may even brought the property for auction. Particularly, the respondents themselves demanded a sum of Rs.3,05,091/- before this Court in writ appeal proceedings on 25.09.2023 and also duly paid by the purchaser. Thereafter, on contrary the respondents demanded the interest amount of huge sum of Rs.12,35,619/- from the petitioner, which is unsustainable in law.

4. The learned Standing Counsel appearing for the respondent submitted that the actual theft occurred in SC.No.291-001-644 belonged to the petitioner's



father and the petitioner's father has sold the same along with SC.No.03-291-001-74 to a third party named Saraswathy, steps in accordance with the above said regulations and directions passed by this Court. Further the levy imposed under Regulation 23-AA of the Tamil Nadu Electricity Supply Code is a civil liability which are recoverable against the legal heirs, the impugned order herein has been passed demanding the due from the petitioner who is the legal of Kanthasamy.

5. Heard the learned counsel for both side and perused the materials available on record.

6. Admittedly, the theft of electricity was allegedly committed by the petitioner's father, for which, a criminal case has been registered against him and the same has been ended in acquittal. Thereafter, the demand was made against the petitioner's father which was challenged by the purchaser of the petitioner's father property before this Court. This Court also directed the purchaser viz., Saraswathy to pay the amount of Rs.3,05,091/- to the Board and granted liberty to the said Saraswathy to recover the amount from the petitioner's father. Subsequently, the original demand amount already paid by the said Saraswathy before the respondent. After payment, the present impugned demand has been issued by the respondent directing the petitioner to pay the interest amount of a sum of Rs.12,35,619/-.



7. The initiation of recovery proceedings of demand itself is time barred under Section 56(2) of the Electricity Act. Specifically when, the complaint was made in the year 2022 and issued demand notice, after the sale of subject property to the third party after a period of 23 years. Hence, the proceedings of recovery itself is liable to be set aside as lapsed and barred by limitation. However, the purchaser paid the entire demand amount. Even thereafter, the respondent has demanded a huge amount from the petitioner and the same has been attached to petitioner's service connection, which is not sustainable. Hence, the proceedings of attachment requires to be dropped and the same is liable to be quashed.

8. Accordingly, the impugned order is set aside and the writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

26-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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