



W.P.(MD)No.12678 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12678 of 2025

Jeyabalan Periyasamy

: Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Chairman Cum Managing Director,
TANGEDCO,
6th Floor,
TANTRANSCO Building,
No. 144, Anna Salai, Chennai - 600 002.

3. The Principal Secretary to Government,
Toursim, Culture and Religious Endowments Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

4. The Municipal Commissioner,
Kodaikanal Municipality,
O/o Kodaikanal Municipality,
Kodaikanal - 624 101.



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5. The Assistant Engineer (East),
Tamil Nadu Electricity Board (TNEB),
Kodaikanal - 624 101.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth respondent not to charge the Electricity Supply of the petitioners House/Property bearing electricity connection no.05251010688 at Commercial Rate by virtue of Clause 4 (f)(i) of the Guidelines for Registration and Classification of Bed and Breakfast Establishments and Home stay Establishments (2022) issued by the third respondent and to pay back the excess amount collected under commercial tariff.

For Petitioners : Mr.H.Imthiaz Ahamed

For Respondents : Mr.S.Deenadhayalan for R2 & R5

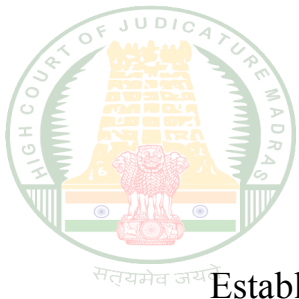
Mr.K.S.Selva Ganesan

Addl. Government Pleader for R1 & R3

Mr.T.S.Mohammed Mohideen for R4

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the fifth respondent not to levy electricity charges for the petitioner's house/property, bearing Electricity Connection No. 05251010688, at commercial rates, in view of Clause 4(f)(i) of the Guidelines for Registration and Classification of Bed and Breakfast



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Establishments and Homestay Establishments (2022) issued by the third respondent and to refund the excess amount collected under the commercial tariff.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims to be the owner of the property mentioned in the petition. He received a demand notice dated 10.01.2025, classifying his property under the 'Commercial' category, based on the instructions of the sixth respondent. The petitioner contends that his property does not fall under the 'Commercial' category, however, the fifth respondent refused to accept this contention. In this regard, the petitioner submitted a representation to the fourth respondent, expressing his willingness to pay the property tax assessed under the 'Commercial category' in accordance with the applicable rules and guidelines. As no action was taken on the representation, the petitioner has now filed the present Writ Petition seeking appropriate relief.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 22.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the fifth respondent to consider the same on its own merits.



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6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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