



W.P.(MD)No.19938 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.19938 of 2019

K.Saleem

.. Petitioner

Vs.

1.The Executive Engineer,
The Tamilnadu Electricity Board,
Distribution / South /MEUAC,
Power House Road, Madurai-1.

2.The Assistant Executive Engineer,
The Tamilnadu Electricity Board,
MEUAC, Power House Road,
Subramaniyapuram, Madurai-1.

3.The Assistant Engineer,
The Tamilnadu Electricity Board,
MEUAC, Power House Road,
Subramaniyapuram, Madurai-1.

4.The Superintendent Engineer,
The Tamilnadu Electricity Board,
K.Pudur, Madurai-7.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondents to



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adjust a sum of Rs.1,50,000/- deposited by the petitioner's father G.Kuthabaksh with the 2nd respondent on 05/10/2001 vide receipt no 884080 in respect of the service connection bearing No.ME597 / E-702, now service connection No.021.002.1189, in view of the order passed in I.A.No.654/2001 in O.S.No.702/2001 on the file of the District Munsif Court, Madurai Town, on the basis of the representations sent by the petitioner's father and by the petitioner dated 14.08.2007, 05.05.2009, 12.11.2009, 20.02.2019 and 05.07.2019 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed seeking a mandamus to the respondents to adjust a sum of Rs.1,50,000/- which was deposited by the petitioner's father with the 2nd respondent on 05.10.2001 in view of the orders passed in I.A.No.654/2001 in O.S.No.702/2001 on the file of the District Munsif Court, Madurai.

2. It is the case of the petitioner that his father Kuthabaksh had obtained electricity service connection in respect of the property situated



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at Door No.13A, TPK Road, Madurai bearing No.ME597/E-708, new service connection no.021.002.1189 has been in the usage from the said time without any arrears in the payment of the charges.

3. The petitioner's father had received a demand, dated 28.08.2001 passed by the 1st respondent in respect of the electricity connection stating that they had discovered theft of power and that the petitioner's father was liable to pay a sum of Rs.6,88,348/- in 10 instalments and a sum of Rs.2,75,340/- was directed to be paid as first instalment on or before 17.09.2001 and an other sum of Rs.45,896/- on or before 15.10.2001 and further sum of Rs.45,889/- on or before 15.11.2001. The 4th to 10th instalments were payable till 15.06.2002. It was further directed that failure to pay the above amount would result in disconnection of the service connection.

4. The petitioner would submit that no opportunity whatsoever was given to his father before the orders were passed. His father had filed a civil suit in O.S.No.702 of 2001 on the file of Additional District Munsif



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Court, Madurai challenging the demand and an application for interim injunction was filed in I.A.No.654 of 2001 and the same was granted on condition that the petitioner's father deposits a sum of Rs.1,50,000/- before the 2nd respondent on or before 10.10.2001. The petitioner would submit that his father had complied with the aforesaid order.

5. The suit was also decreed in favour of the petitioner's father and in the judgment, it has been clearly stated that the deposit shall be adjusted for future consumption charges by the plaintiff. Therefore, the petitioner come forward with the writ in question as the respondents were not coming forward to comply with the order of the Court.

6. The 2nd respondent has filed a counter affidavit inter alia contending that the petitioner's father has not exercised the alternative remedy against the order making the extra levy. However, he has rushed to file the suit. Pending the interlocutory application, the petitioner's father was directed to deposit a sum of Rs.1,50,000/- which deposit is also been made. It is the further case of the respondents that the passing



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reference in the judgment that the amount should be adjusted towards future consumption charges is not reflected in the decree. The present request is clearly barred by limitation.

7. The suit in O.S.No.702 of 2001 was decreed on 24.10.2005 wherein the learned II Additional District Munsif has clearly observed as follows :

“..... If there is any deposit available specifically as claimed by the plaintiff for getting any interim order, such deposit available with the defendant if any has to be adjusted for the future consumption charges by the plaintiff.”

8. The same is an obiter dicta. That apart, the Court after contest, has clearly found the allegation of theft to be totally erroneous and consequently had declared the impugned demand as illegal and improper. Admittedly, the respondents have not filed any appeal against the said order. Therefore, in the light of the judgment and the fact that the petitioner has been requesting the respondents to comply with the above



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order, the respondents have not come forward to obey the orders of the Court, the respondents cannot unjustly enrich themselves.

9. This Writ Petition is allowed as prayed for. No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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