



W.P(MD)No.5502 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.5502 of 2018
and
W.M.P(MD)Nos.5432 & 5433 of 2018

A.Peter Vincent

..Petitioner

Vs

1. The Superintending Engineer,
TANGEDCO
Parvathipuram
Nagercoil
2. The Executive Engineer
TANGEDCO
Kanyakumari Electricity Distribution Circle
Moolachel
Thuckalay
Kanyakumari Dist
3. The Assistant Engineer
TANGEDCO
Thingal Nagar
Kanyakumari Dist
4. The Junior Engineer
Distirbution
TANGEDCO
Colachel -ii
Kanyakumari Dt



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5. The Assistant Accounts Officer
Thuckalay Revenue Records
O/o. Executive Engineer
Tangedco
Kanyakumari Elecy. Distn. Circle
Moolachel
Thuckalay
Kanyakumari Dist

6. Micheal Raj

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent vide Lr.No.Chaepou/oo.Aa/papi/tha/kamay. 10/A.No./50/16 dated 28.07.2016 and vide letter No.EE/ O & M/TKY/AAO/RB/F.TA D.No.90116 dated 24.10.2016 quash the same and consequently directing the 2nd respondent to recover the amount from the 6th respondent.

For Petitioner : Mr.C.T.Perumal
For Respondents : Mr.S.Deenadhayalan
Stnading Counsel(for R1 to R5)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent vide proceedings dated 28.07.2016 and letter dated 24.10.2016, quash the same, and consequently direct the 2nd respondent to recover the amount from the 6th respondent.



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2. The petitioner was employed in Dubai from 1980 to 2015 and used to visit India occasionally. The 6th respondent is his co-brother. The grievance of the petitioner is that during his absence while he was in abroad, the 6th respondent, without his knowledge or consent, forged his signatures and obtained an industrial electricity service connection in S.C.No.173-004-001 for a hollow-block industry, which he misused, resulting in huge arrears of Rs.11,57,039/-, later revised to Rs.9,67,741/-.

3. The petitioner contends that the 6th respondent, who had already cheated him in several financial dealings, is solely responsible for the said liability. He has also lodged a criminal complaint, in pursuance of which Crime No.6 of 2017 under Sections 406 and 420 IPC has been registered by the District Crime Branch, Kanyakumari. It is further stated that the 6th respondent had even filed writ petitions before this Court by forging the petitioner's signatures, for which proceedings under Section 340 Cr.P.C. are pending. The petitioner, therefore, challenges the impugned demand notices and seeks to fasten liability on the 6th respondent instead of himself.

4. The respondents 1 to 5, in their counter affidavit, denied the allegations. They submit that the petitioner himself is the registered consumer of S.C.No.173-004-001, which was effected on 16.11.2010 for a hollow-block manufacturing unit with a connected load of 18 KW, later enhanced to 51.43 KW. The audit short levy of Rs.11,57,039/- was raised



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after due verification and later revised to Rs.9,67,741/- after enquiry as per the directions of this Court in earlier writ petitions. The petitioner failed to produce business or tax records despite repeated opportunities. Since the service connection stands in his name, he is liable to pay the arrears and surcharge. It is further contended that the petitioner has an alternative statutory remedy before the Consumer Grievance Redressal Forum and the Electricity Ombudsman, and therefore, the writ petition is not maintainable.

5. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents 1 to 5 and perused the materials available on record.

6. On consideration of the materials, this Court finds that the petitioner is admittedly the registered consumer of the service connection in question. The allegations of forgery and misuse by the 6th respondent involve serious disputed questions of fact, which cannot be adjudicated in a writ proceeding under Article 226 of the Constitution. It is open to the petitioner to establish his claim regarding alleged forgery or fraud before the competent civil court or before the statutory authorities under the Electricity Act, 2003.

7. Further, upon consideration, this Court finds that the petitioner, in his affidavit, has averred that the 6th respondent had cheated him in several



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ways, both in cash and kind, pursuant to which he lodged a complaint and the same was registered in Crime No.6 of 2017 by the District Crime Branch, Kanyakumari, Nagercoil, for offences under Sections 406 and 420 IPC. At the same time, the petitioner has also stated that he had advanced a sum of Rs.9,00,000/- to the 6th respondent for establishing a hollow-block industry in the land situated near his property. Having admitted such a transaction, the petitioner's subsequent contention that the 6th respondent, without his consent and during his stay abroad, forged his signature and obtained an electricity service connection, appears wholly inconsistent. The contradictory and self serving averments made by the petitioner, therefore, amount to perjury on his part.

8. In view of the above, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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P.T.ASHA, J.

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