

W.P(MD)No.6002 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.6002 of 2026

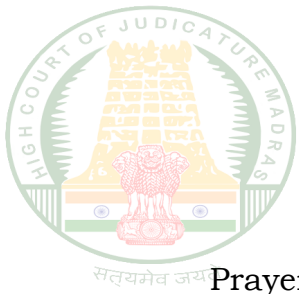
U.Viswanthan

.. Petitioner

Vs

- 1 The Superintending Engineer
Thanjavur Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited, Vallam Road,
Thanjavur 613 007
- 2 The Executive Engineer
Operation and Maintenance, Tamil Nadu
Generation and Distribution Corporation
Limited, Vallam Road, Thanjavur 613 007
- 3 The Assistant Executive Engi
Neer, Operation and Maintenance, Urban,
Tamil Nadu Generation and Distribution
Corporation Limited, Vallam Road,
Thanjavur 613 007
- 4 The Assistant Engineer
Operation and Maintenance, Urban, Tamil
Nadu Generation and Distribution Corporation
Limited, Melattur 613 301 Papanasam Taluk,
Thanjavur Dis

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to Proceeding vide Ka.No.U Se Po / E Para / Pura / Than. / Ko. 1/A. No. 445/25-26 dated 10.02.2026 issued by the 3rd respondent to the petitioner and quash the same as illegal arbitrary and violative of natural justice and further direct the 3rd respondent to make recovery of the remaining amount from the petitioner in connection with the Electricity Connection Nos. 417-0005-55 and 417-005-216 Melattur Section Thanjavur Circle after affording an opportunity of being heard to the petitioner.

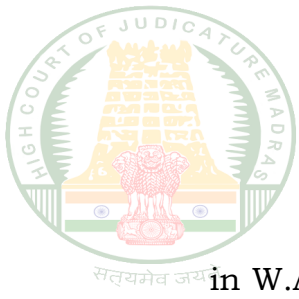
For Petitioner : Mr.D.Gnansekaran

For Respondents : Mr.S.Deenadhayalan

ORDER

The petitioner challenges the notice issued by the third respondent under Section 16 of the Electricity Act, 2003, calling upon the petitioner to pay a balance amount of Rs. 1,56,864/- in respect of Electricity Connection Nos. 417-0005-55 and 417-005-216.

2. Proceedings were initiated against the petitioner under Section 135 of the Electricity Act, 2003, alleging theft of electricity. The petitioner challenged the said proceedings before this Court in W.P. (MD) No. 7562 of 2012, wherein both the proceedings under Section 135 and the assessment for unauthorized use of electricity under Section 126 of the Act were put in issue. This Court, by order dated 04.07.2022, dismissed the writ petition, thereby confirming the proceedings. The said order was also confirmed by the Division Bench



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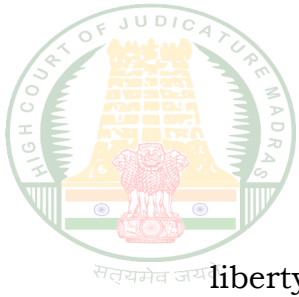
in W.A. (MD) No. 983 of 2022. Subsequent to the dismissal of the writ appeal, the impugned notice has been issued.

3. Heard the learned counsel appearing on either side.

4. A perusal of the impugned notice reveals that, pursuant to the order dated 12.04.2010 passed by this Court, the petitioner has paid 50% of Rs. 1,57,620/- in respect of Electricity Connection No. 417-005-55 and Rs. 52,540/- (being 50% of Rs. 1,05,080/-) in respect of Electricity Connection No. 417-005-216. It is further stated that a sum of Rs. 15,762/- (being 20%) has also been paid in respect of Electricity Connection No. 417-005-216. The grievance of the petitioner is that the impugned notice has been issued without giving credit to the amounts already paid.

5. Admittedly, the impugned notice has been issued without affording an opportunity of hearing to the petitioner. The respondent is required to issue notice and determine the exact amount payable after giving due credit to the payments already made by the petitioner.

6. In view of the above, the impugned notice is not legally sustainable. Accordingly, the writ petition is allowed and the impugned proceedings in Ka. No. U Se Po / E Para / Pura / Than. / Ko. 1/A. No. 445/25-26 dated 10.02.2026 are set aside. However,



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liberty is granted to the third respondent to issue a show cause notice and pass a fresh order of assessment for unauthorized use of electricity under Section 126 of the Electricity Act, 2003, in accordance with law.

7. It is brought to the notice of this Court that, pursuant to the interim order, the petitioner has deposited 30% of the amount due in respect of each of the service connections. If such deposit has been made, the third respondent shall give due credit to the same while passing the final order of assessment.

8. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

27.04.2026

NCC : Yes/No
Index : Yes/No
Internet:Yes
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HEMANT CHANDANGOUDAR, J.

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