

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21365 of 2014
& M.P.No.1 of 2014

J.Ansar Basha

... Petitioner

Versus

1. The Assistant Engineer,
Tamil Nadu Electricity Board,
Whites Road Division Office,
Royapettah,
Chennai 600 014.
2. Dhan Basha Dargah,
rep. by its Muthavalli,
K.Anwar Basha

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the first respondent to receive the application form for electricity connection as required under the Electricity Distribution Code and consequently provide the electricity connection to the petition premises situated at No.2, Venkatramam Pillai Street, Ice House, Hanumanthapuram, Triplicane, Chennai 600 005 within a stipulated time.

For Petitioner : Mr.R.Abdul Mubeen
For Respondent- 1 : Mr.P.R.Dilipkumar
For Respondent-2 : Mr.K.Ashokkumar

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O R D E R

The petitioner has filed the present writ petition to issue a writ of mandamus directing the first respondent to receive the application form for electricity connection as required under the Electricity Distribution Code and consequently, provide the electricity connection to the petitioner's premises situated at No.2, Venkatramam Pillai Street, Ice House, Hanumanthapuram, Triplicane, Chennai 600 005 within a stipulated time.

2. According to the petitioner he is a tenant under the second respondent Wakf for the past more than 50 years. The second respondent Wakf has filed a civil suit in O.S.No.6966 of 2005 on the file of the First Assistant Judge, City Civil Court, Chennai for recovery of possession. According to the learned counsel on either side, the trial court has decreed the suit, against which the petitioner has preferred an appeal. From the filing of the suit by the second respondent Wakf, it is clear that the petitioner is in possession of the property. The supply of electricity to the residence of the petitioner is a basic necessity and therefore, it cannot be denied by the respondents. According to the petitioner, the petitioner has got no other service connection for his house property. Even if the electricity connection is provided to the petitioner's house it will not give any advantageous position to him claiming any right, title over the said property which was leased out to him. Since the electricity supply is a basic necessity, the same should be provided to the petitioner. Learned counsel for the petitioner submitted that this court in W.P.No.28110 of 2013 dated 10.10.2013 observed that it is always open to the petitioner therein to submit an application as prescribed under the Electricity Distribution Code along with other documents to the authorities and the authorities shall consider the same in the light of Section 43 of the Electricity Act read with Regulation 27(4) of the Tamil Nadu Electricity Distribution Code. Learned counsel for the petitioner also submitted that the said writ petition was filed by the petitioner's neighbour and the said observation is also applicable to the facts and circumstances of the present case.

3. The second respondent filed his counter stating that there is separate electricity connection available to the petitioner and therefore, there is no necessity for giving another connection to him.

4. The first respondent in their counter has stated that there are 14 service connections standing in the name of the second respondent wakf and also submitted that the Board is ready and willing to obey the orders to be passed in this writ petition.

5. Having regard to the submissions made by the learned counsel on either side taking into consideration the averments stated in the pleadings, I am of the considered view that the petitioner should be provided with the electricity connection which is a basic necessity.

6. Learned counsel for the petitioner also submitted that when the petitioner sought to submit his application before the first respondent, the first respondent has refused to receive the same.

7. In these circumstances, I direct the first respondent to receive the application to be submitted by the petitioner as required under the Electricity Distribution Code and consider the same and provide the electricity connection to the petitioner's leased out premises at No.2, Venkatramam Pillai Street, Ice House, Hanumanthapuram, Triplicane, Chennai 600 005, if the application submitted by the petitioner is in order, enclosed with all relevant document, within a period of three weeks.

8. It is also made clear that mere getting of electricity connection of the petitioner premises shall not give any advantageous position in the civil dispute between the petitioner and the second respondent and that it will not give any right, title in respect of the said property.

9. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

smi

-s/d-

Assistant Registrar(CO)

Dt:23/3/2015

True Copy

Sub-Assistant Registrar

To

The Assistant Engineer,
Tamil Nadu Electricity Board,
Whites Road Division Office,
Royapettah, Chennai 600 014.

+ 1 cc to Mr.P.R.Dhilip Kumar, Advocate SR 15710

+ 1 cc to Mr.Abdul Mubeen, Advocate SR 15533

+ 1 cc to Mr.K.Ashok Kumar, Advocate SR 15578

(co)
prk23/3

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