

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBARAKAN

WP.No.14551 of 2015

And

M.P.No.1 of 2015

Sheik Pakkeer

... Petitioner

Versus

1. The Assistant Engineer,
Distribution & Maintenance
Tamil Nadu Electricity Board,
No.182, Thambu Chetty Street,
Chennai - 600 001

2. M.S.Boopathy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to give new single phase commercial electricity connection to the petitioner's portion in No.43B, Ibrahim Shaib Street, Chennai - 600 001.

For Petitioner सत्यमेव जयते : Mr. S.N.Narasimhulu

For first Respondent : Mr. P.R.Dhilipkumar

ORDER

The petitioner is a tenant under the second respondent at No.43B, Ibrahim Sahib Street, Chennai-1 in the ground floor, on a monthly rent of Rs.7,500/- excluding electricity charges. Eventhough, the second respondent received monthly rent up to August 2014, refused to receive the monthly rent from September 2014 onwards. Therefore, the petitioner has sent a notice, dated 01.11.2014, demanding bank account details of the second respondent

for depositing the monthly rent. Since there was no reply, the petitioner filed R.C.O.P.No.1870/2014, under Section 8(5) of the Rent Control Act before the XI Small Causes Court, Chennai. In the meanwhile, Rs.2,880/-, being the electricity charges as per the sub-meter reading, was tendered through Demand Draft to the second

respondent, which was not received by the second respondent. Thereafter, electricity supply was disconnected on 09.03.2015.

2. In view of that, the petitioner has filed R.C.O.P.No.452/2015, under Section 17(2) of the Rent Control Act, seeking interim restoration of electricity supply. Interim restoration was ordered by the learned XII Small Causes Judge, Chennai in M.P.No.125/2015 on 13.04.2015. Even thereafter, the second respondent has failed to restore the electricity connection. Hence, the petitioner has filed another M.P.No.164/2015 to direct the first respondent to give new connection in the petitioner's name. Pending disposal of M.P.No.164/2015, the first respondent restored the electricity connection for one day on 22.04.2015 and thereafter, again cut off the electricity connection on 07.05.2015, in this regard, the petitioner had filed a police complaint also.

3. For the reason stated above, the petitioner has approached this court, seeking a direction to the first respondent to give electricity connection, as per the representation made by him on 07.05.2015.

4. Since the direction is to be issued only against the first respondent, notice to the second respondent is dispensed with.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent Electricity Board.

6. Since it is evident from the records, namely, the lease agreement, dated 03.01.2007 entered into between the petitioner and the second respondent and the order dated 13.04.2015 passed by the learned XII Small Causes Judge, Chennai in M.P.No.125 of 2015 in R.C.O.P.No.452/2015, the petitioner is in lawful possession as a tenant of the premises under the second respondent, the first respondent has to give electricity connection to the petitioner as per Clause 27(4) of the Distribution Act, by getting indemnity bond.

7. In view of that, the petitioner is directed to give an application to the first respondent as per law at the earliest. On reception of such application, the first respondent is directed to give electricity connection to the petitioner's portion under his occupation at No.43B, Ibrahim Sahib Street, Main Road, Chennai- 1 within three days thereafter.

8. Accordingly, this writ petition is disposed of.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mrp

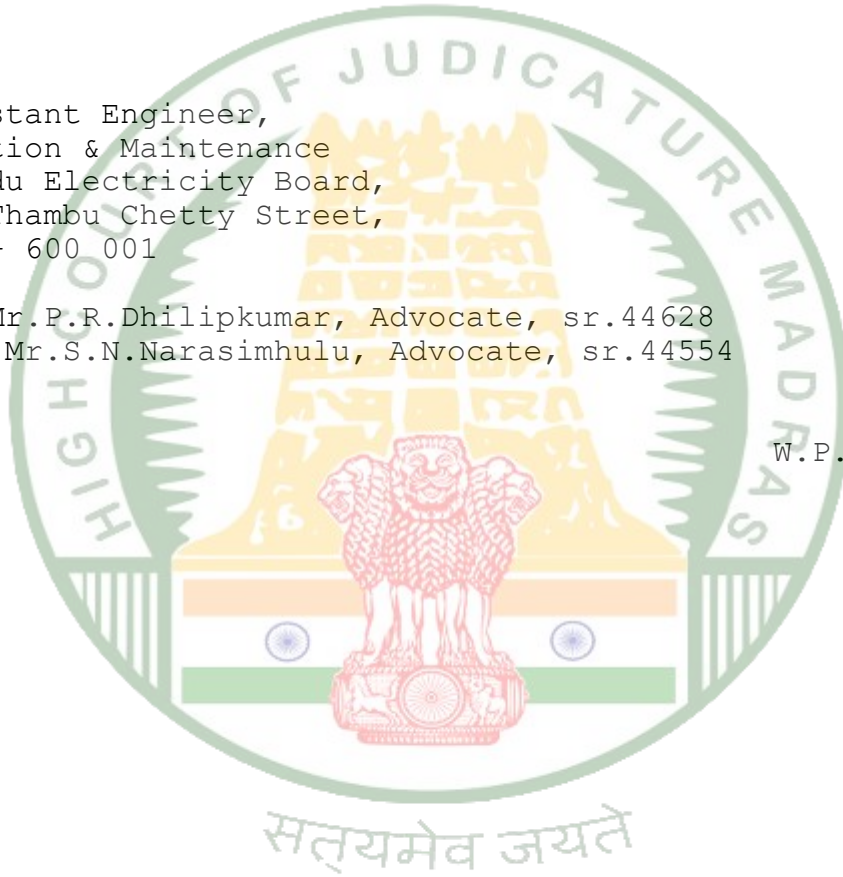
To

The Assistant Engineer,
Distribution & Maintenance
Tamil Nadu Electricity Board,
No.182, Thambu Chetty Street,
Chennai - 600 001

+1 cc to Mr.P.R.Dhilipkumar, Advocate, sr.44628
+2 ccs to Mr.S.N.Narasimhulu, Advocate, sr.44554

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