

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.1893 of 2015
and
M.P.Nos.1 & 2 of 2015

N.Krishnamurthy

... Petitioner

vs.

1. The Chairman
Tamil Nadu Generation &
Distribution Corporation
Ltd., (TANGEDCO)
"NPKRR Maaligai"
144, Anna Salai
Chennai 600 002.
2. The Superintending Engineer
Thirupattur District Electricity
Distribution Circle
Tamil Nadu Electricity Board
Thirupattur, Vellore District.
3. The Junior Electrical Engineer
(Operation and Maintenance)
Tamil Nadu Generation &
Distribution Corporation Ltd.,
Thirupattur Electricity Distribution
Circle, Ambur Town
Ambur 635 802, Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus to call for the records of the third respondent; to quash the impugned letter in f/vz;/,/ep/th-e-Mk;-nfhjdp/vz;///// -2014 dated 09.12.2014 and to further direct the respondents to accept the petitioner's application dated 08.12.2014 for new industrial electricity connection in respect of the leased premises bearing Door No.4A, Arasamara Street, Ambur Town, Ambur without adhering to the procedure contemplated in law.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.M.Varun Kumar
Standing Counsel for
Tamil Nadu Electricity Board

ORDER

Heard Mr.M.L.Sudarsanam, learned counsel for the petitioner and Mr.M.Varun Kumar, learned Standing counsel appearing on behalf of the respondent-Tamil Nadu Electricity Board.

2. The writ petition has been filed seeking for the issuance of a writ of certiorarified mandamus calling for the records of the third respondent dated 09.12.2014; to quash the same and further to direct the respondents to accept the petitioner's application dated 08.12.2014 for new industrial electricity connection in respect of the leased premises bearing Door No.4A, Arasamara Street, Ambur Town, Ambur without adhering to the procedure contemplated in law.

3. It is the case of the petitioner that he has entered into a rental agreement on 01.12.2014 for a period of five years with one Chokkathai Haji Akbar Basha. As per the lease deed, he is empowered to do industrial activities in the leased property and further he was empowered to obtain electricity connection in his name for industrial purpose in order to operate ice factory in the said premises. On 08.12.2014, the petitioner made an application with all relevant documents to the third respondent for electricity connection. The third respondent returned the said application on 09.12.2014 by the impugned letter dated 09.12.2014 stating that the suit in O.S.No.63 of 2014 is pending before the District Munsif Court, Ambur. According to the petitioner, the said suit is pending between one Akbar Basha Sahib, the landlord and Mrs.Dilshath Begum and others. Further, the third respondent had informed the petitioner that the electricity connection cannot be given till the disposal of the suit.

4. Challenging the order passed by the third respondent dated 09.12.2014, the petitioner has filed the above writ petition.

5. The respondents have filed their counter affidavit and in para No.8, they have stated as follows:

"8. I submit that the Govt.Pleader/Ambur who depend the TANGEDCO cases has opined that service connection may be effected by obtaining indemnity Bond from the tenant (i.e.) Thiru.Krishnamoorthy agreeing to abide by the decision in O.S.No.63 of 2014 [copy of the same is here with] finally legal cell has opined that the new service connection may be given after obtaining verdict from the pending suit (i.e.) O.S.No.63 of 2014 at DMC/Ambur Copy of the opinion was enclosed."

[extracted verbatim]

6. From the above, it is clear that the third respondent would effect industrial electricity service connection to the petitioner, on obtaining indemnity bond from him.

7. It is now brought to the notice of this Court that the suit in O.S.No.63 of 2014 was filed by the petitioner's landlord as against one Dilshath Begum and also against the TANGEDCO officials for a permanent injunction restraining the TANGEDCO from disconnecting the old service connection in SC.No.08.441-000-109 TF VI obtained by him on 01.02.2014. Therefore, when the suit itself was filed restraining the TANGEDCO from disconnecting the service connection that will not stand in the way of the petitioner getting a fresh service connection in the leased out property.

8. In these circumstances, the impugned order dated 09.12.2014 is liable to be set aside and accordingly, the same is set aside. The third respondent is directed to process the petitioner's application dated 08.12.2014 to the leased out property after getting indemnity bond and other relevant documents and also the requisite fees, within a period of two weeks from the date of receipt of a copy of this order. It is needless to state that the petitioner shall re-submit his application dated 08.12.2014 along with all relevant documents before the third respondent.

9. With this observation, this writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Chairman
Tamil Nadu Generation &
Distribution Corporation
Ltd., (TANGEDCO)
"NPKRR Maaligai"
144, Anna Salai
Chennai 600 002.

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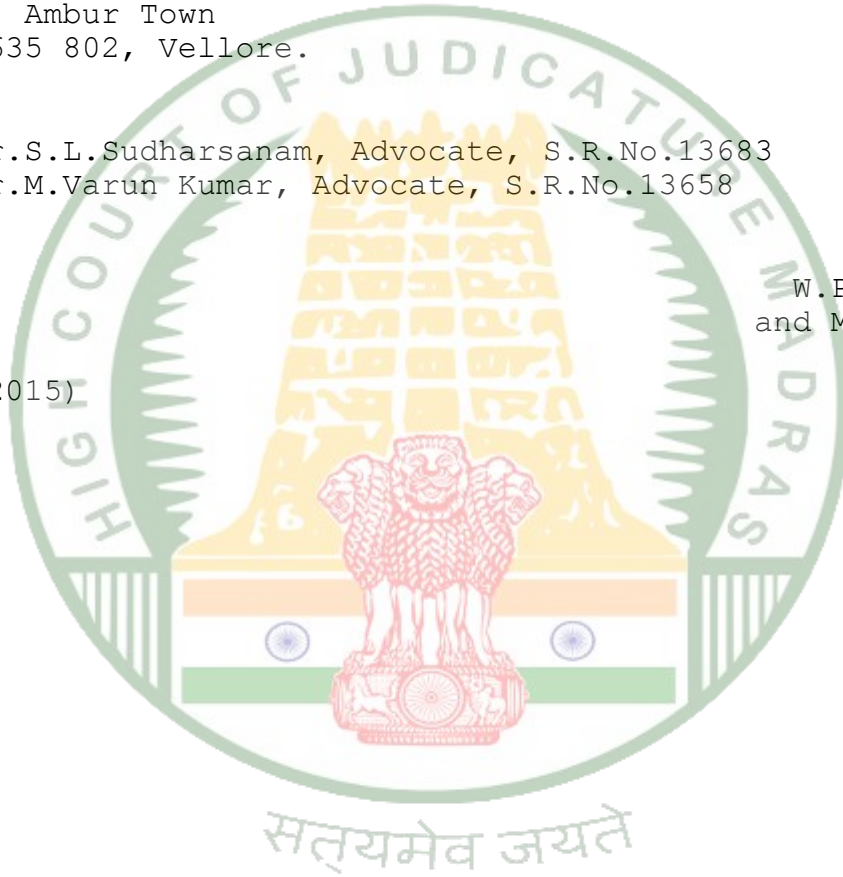
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+1cc to Mr.S.L.Sudharsanam, Advocate, S.R.No.13683
+1cc to Mr.M.Varun Kumar, Advocate, S.R.No.13658

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UG(CO)
CA(13/03/2015)



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