

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Writ Petition No.8633 of 2015

R.Kanthimathi

... Petitioner

vs.

The Assistant Engineer,
Tamil Nadu Housing Board Office,
TANGEDCO/Chennai/West,
Avadi, Chennai - 600 054.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent herein to effect new electricity service connection to the premises bearing Door No.189/6, 189/7 (Old No.186/6, 187/7), Nehru Bazaar Street, Avadi, Chennai - 600 054 within the time to be stipulated by this Court in accordance with law.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.P.R.Dhilip Kumar

ORDER

The petitioner is running a pawn broking business in the property bearing Door No.189/6, 189/7 (Old No.186/6, 187/7), Nehru Bazaar Street, Avadi, Chennai - 600 054. The said business is being carried on right from 1986. The petitioner applied for a service connection to the aforesaid premisses however, one Lakshmi Krishnakumar objected the connection and therefore, the said connection has not been given. Aggrieved over the same, the petitioner is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The learned counsel for the respondent would submit that the Mrs.Lakshmi Krishnakumar who is the owner of the above premises has objected to give service connection to the petitioner/tenant premises and therefore, the service connection could not be granted.

4.However, Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004 would take care of the present position, namely, if, the owner refused to give consent letter to the intending consumer, he shall produce proof of his lawful occupation of the premises and execute indemnity bond in Form No.6 of Annexure III to the Tamil Nadu Electricity Distribution Code indemnifying the licensee against any loss of account of disputes arising out off effecting service connection to the occupant.

5.In view of the above provision, the petitioner is entitled to get service connection. Accordingly, the petitioner is directed to comply with the procedures contemplated in Clause 27(4) of the Tamil Nadu Electricity Distribution Code, 2004, within a period of 10 days from the date of receipt of a copy of this order and thereafter, within a period of one week, the respondent is directed to give new service connection to the petitioner.

6.With the above directions, the writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jbm

To

The Assistant Engineer,
Tamil Nadu Housing Borad Office,
TANGEDCO/Chennai/West,
Avadi, Chennai - 600 054.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.40989
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.41388

KJI (CO)
CA(21/08/2015)

W.P.No.8633 of 2015