

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.11387 of 2016

&

W.M.P.No.9845 of 2016

N.Kannan

... Petitioner

Vs.

1.The Chairman

Tamilnadu Electricity Board

New No.144, Anna Salai

Chennai-600 002

2.The Superintendent Engineer

Tamilnadu Electricity Board- Chennai South

Anna main Road, K.K.Nagar

Chennai-600 078

3.The Assistant Engineer,

Tamilnadu Electricity Board- Ayyappanthangal,

Ayyappanthangal Section,

Sri Ramachandra Nagar

Chennai-600 116

4.Mr.T.Raman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide new electricity service connection to the shop at premises bearing No.2/19, Kattupakkam main road (Mount Poonamallee road), Kattupakkam, Chennai-600 056 in the name of the petitioner collecting necessary deposits and charges without insisting for the production of Owners Consent Letter'from the 4th respondent.

For Petitioner : Mr.R.Venkatavarathan

For Respondents : Mr.S.K.Rameshuwar

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Admittedly, there is a dispute between the petitioner and the 4th respondent, who is the landlord of the premises in which the petitioner is said to be running a super market. The dispute is now pending before the Civil Court as the petitioner has filed O.S.No.526 of 2013 on the file Additional District Munsif, Poonamalle. The petitioner also sought for order of interim injunction in I.A.No.1564/2013, which is still pending and no interim orders have been granted by the Civil Court. The 4th respondent is the sole defendant/respondent in the said suit/application has filed the counter affidavit in the interlocutory application on 17.02.2014. The allegation made by the petitioner is that the electricity supply has been disconnected by the landlord. Admittedly, there is no grievance expressed against the officials of the Board. If that is so, the petitioner has to seek appropriate remedy before the Civil Court in the pending proceedings. Infact, a criminal complaint was also lodged before the Sub Inspector of Police, Poonamallee Police station and the same was received and C.S.R. was issued on 15.10.2015. Ultimately, the parties appeared before the police and stated that the matter will be resolved before the Civil Court. Recording the same, the criminal complaint was closed. In the light of the fact that the dispute between the landlord and the tenant has already reached the Civil Court, the question of issuing a direction to the electricity board to grant separate electricity supply to the petitioner is not feasible for consideration, more so on account of peculiar facts and circumstances of the case.

3. Accordingly, while declining the relief sought for, liberty is granted to the petitioner to move appropriate application before the Civil Court for necessary relief against his landlord.

4. Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kpr

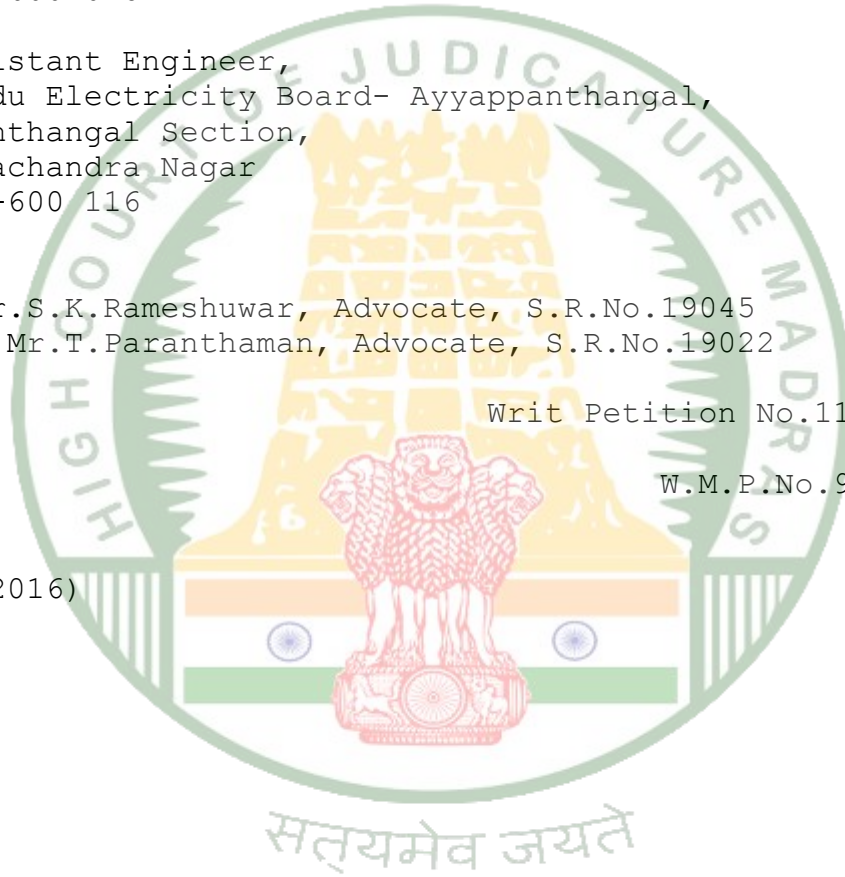
To

- 1.The Chairman
Tamilnadu Electricity Board
New No.144, Anna Salai
Chennai-600 002
- 2.The Superintending Engineer
Tamilnadu Electricity Board- Chennai South
Anna main Road, K.K.Nagar
Chennai-600 078
- 3.The Assistant Engineer,
Tamilnadu Electricity Board- Ayyappanthangal,
Ayyappanthangal Section,
Sri Ramachandra Nagar
Chennai-600 116

+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No.19045
+2cc's to Mr.T.Paranthaman, Advocate, S.R.No.19022

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AK(CO)
CA(06/04/2016)



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