

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.12551 of 2016

J.R.Ashok

...Petitioner

Vs.

- 1 The Commissioner
Corporation of Chennai E.V.R. Salai Rippon
Building Chennai-600 003.
 - 2 The Deputy Commissioner of
Revenue Land and Estate E.V.R. Salai
Rippon Building Chennai-600 003.
 - 3 The District Revenue Officer
Corporation of Chennai Land Estate
Department E.V.R. Salai Rippon Building
Chennai-600 003.
 - 4 The Assistant Revenue Officer
Corporation of Chennai Land Estate
Department E.V.R. Salai Rippon Building
Chennai-600 003.
 - 5 The Assistant Revenue Officer
Zone X Kodampakkam Chennai-600 024.
 - 6 The Assistant Engineer
Tamil Nadu Electricity Board Kodampakkam
110/33/11KV/SUB No.48 Sivan Kovil Street
Chennai-600 024.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents to arrange the electricity connection to the Corporation Commercial Shop No.79-82 2nd floor to an Extent of 1385 Sq.ft at No.17 N.S.K.Salai Ward No.134 Zone 10 Arcot Road Kodambakkam Chennai allotted to in favour of the petitioner herein in pursuance of the petitioners representation dated 17.03.2016.

For Petitioner : Mr.K.Krishnan
For Respondents : Mr.P.V.Selvakumar for R1 to 5
Mr.S.K.Rameshuwar for R6

O R D E R

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

2. Petitioner has filed this writ petition seeking for a direction to the respondent Board to grant electricity service connection for the Shop bearing No.79-82. The petitioner was granted a lease of the shop by the respondent Corporation by order of allotment dated 12.10.2012. The petitioner has been running business till date without electricity service connection. In spite of several representations, the respondent board has not granted electricity supply on account of the fact that earlier lessee has committed default in payment of consumption charges. From the representations made by the petitioner, it is seen that the shop which was allotted to the petitioner was not in a tenantable condition there was no window panes, the roof was full of cracks, the side wall was broken, the sunshade was broken and the rain water was seeping into the shop. Petitioner has requested the Zonal officer of Zone X of the respondent Corporation to repair the same by representations dated 02.11.2012, 10.12.2012 and 21.01.2013. It appears that no action was taken on the representations and the petitioner is said to have spent his own money to bring the shop into a condition fit for doing business activities. However, the petitioner has not been granted electricity supply till date.

3. On instructions from the respondent Corporation Mr.P.V.Selvakumar, learned standing counsel submitted that the previous lessee was in default to the tune of Rs.40,000/- and therefore electricity connection is not granted to the petitioner. From the order of allotment dated 12.10.2012, it is seen that there is no precondition imposed that the petitioner has to clear the dues payable by the erstwhile lessee. Therefore, the petitioner cannot be mulcted with those amounts and for that reason he cannot be denied electricity service connection.

4. In the light of the above, there will be a direction to the respondent Corporation to clear the entire arrears which was left unpaid by the previous lessee and the amount has to be recovered from the respondent Corporation only and therefore there will be a direction to the 6th respondent to grant electricity service connection to the petitioner by permitting

him to submit an application and after complying all formalities the above direction shall be complied with within a period of four weeks. No costs. Connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.S.K.Rameshuwar, Advocate SR 21403

+ 1 cc to Mr.P.V.Selvakumar, Advocate SR 21330

+ 1 cc to Mr.K.Krishnan, Advocate SR 21361

nr(co)
prk18/4

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