

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 2676 of 2015
and
M.P. Nos. 1 and 2 of 2015

D.S. Dayalan

... Petitioner

Vs.

1. The Assistant Engineer
O & M, Ice House
TANGEDCO CEDC/ Central
Tamil Nadu Electricity Board
26, West Cott Road,
Royapettah, Chennai - 14.

2. The Tamil Nadu Wakf Board
Rep. by Chief Executive Officer
No.1, Jaffer Syrang Street
Valla Seethakathi Nagar
Chennai-1.

.... Respondents

This petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent in Lr. No. AE/O&M/ IH/F.DISC/D No. dt/01/15 and to quash the same.

For Petitioner : Mr. N.A. Nissar Ahmed

For Respondents : Mr. P.R. Dilip Kumar

ORDER

The petitioner has filed this Writ Petition challenging the notice of the 1st respondent in Lr. No. AE/O&M/ IH/F.DISC/D No. dt/01/15.

2. The petitioner is in possession of a Wakf Board property and he claims that he is paying the rent properly to Wakf Board. He is surprised to receive a notice from the Electricity Board, directing the petitioner to get a No

Objection Certificate from the Wakf Board, failing which there is a threat of disconnection of electricity service connection, which is alleged to have been given on 21.11.2014.

3. The counter affidavit filed by the first respondent says that only after execution of an indemnity bond and on payment of necessary charges, the power connection has been given to the petitioner on 21.11.2014. However, the second respondent has raised an objection and has sought to disconnect the service connection since the premises belong to the Wakf Board. There appears to be a dispute between the landlord and tenant and therefore a No Objection Certificate has been sought for.

4. Since the property belongs to Wakf Board, the petitioner is directed to approach the Wakf Board for an appropriate letter stating that there is no arrears and then approach the first respondent for such purpose. The petitioner is given eight weeks time to complete the said process and till then the electricity supply should not be disconnected, by the respondents. Consequently, the connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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To

Sub Assistant Registrar

1. The Assistant Engineer
O & M, Ice House
TANGEDCO CEDC/ Central
Tamil Nadu Electricity Board
26, West Cott Road,
Royapettah, Chennai - 14.

2. The Chief Executive Officer
Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street
Valla Seethakathi Nagar
Chennai-1.

+1cc to Mr.N.A. Nissar Ahmed, Advocate, S.R.No.7311

+1cc to Mr.P.R. Dhilip Kumar, Advocate, S.R.No.7456

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BVR(CO)
CA(18/02/2016)