

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44093 of 2016

Mahendra Kumar
S/o Ugam Raj

.. Petitioner

-VS-

1. The Assistant Engineer (O & M)
TNEB, Ambattur, CEDC West
TANGEDCO
Chennai 600 053

2. S.Chandrasekar

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to herein to allow electricity supply to the petitioner herein at Door No.123, M.T.H.Road, Varadharajapuram, Ambattur Village and Taluk, Tiruvallur District and install a fresh meter in the said premises.

For Petitioner :: Mr.P.Rameshkumar

For Respondents :: Mr.P.R.Dhilipkumar
Standing Counsel for R1

ORDER

This writ petition has been filed by Mr.Mahendra Kumar seeking for a direction from this Court under Article 226 of the Constitution of India to the first respondent to provide electricity supply to the petitioner's premises at Door No.123, M.T.H.Road, Varadharajapuram, Ambattur Village and Taluk, Tiruvallur District by installing a fresh meter in the said premises.

2. Learned counsel for the petitioner submitted that the petitioner, being one of the four tenants, has occupied the premises in question, due to some dispute, the landlord of the premises had filed a suit for eviction. During the pendency of the rent control proceedings, two of the tenants vacated the premises and the rent control proceedings were also decided against the tenants. However, the petitioner, being one of the

tenants, was advised to prefer an appeal against the order of the Rent Controller. In the meanwhile, the landlord, after closing the premises, left the place, as a result the petitioner is not able to get the electricity supply. Therefore, as an interim measure, he sought for a direction to the first respondent to provide the electricity service connection to the premises in question.

3. This Court is not inclined to entertain the writ petition for two reasons. Firstly, it is an admitted case that the petitioner, being a tenant, has suffered an order of eviction and as against that, he has been advised to prefer an appeal. Secondly, although the learned counsel submitted that the petitioner has applied for the electricity service connection, absolutely it is not possible for this Court to issue a direction to the first respondent to provide the electricity supply by considering his application, when the dispute has not been till date resolved between the landlord and the petitioner. Therefore, no writ petition will lie, hence the writ petition fails and it is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Assistant Engineer (O & M)
TNEB, Ambattur, CEDC West
TANGEDCO
Chennai 600 053

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