

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.13875 of 2017

D.Arul

... Petitioner

v.

1.The Assistant Engineer
O & M/Vallalar Nagar
Tamil Nadu Electricity Board,
TANGEDCO, Old Washermanpet,
Chennai -79.

2.Rev.Paul Chezhan, Pastor ... Respondents
(R2 impleaded as per order dated 13/6/2017
by MMSJ in WMP No.15600/2017)
(R2 amended as per order dated 23/8/2017
by MDJ in WMP No.17437/2017)

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the first respondent herein to provide electricity connection to the petitioner's premises bearing Door No.16/39, Bethania Garden, Old Washermanpet, Chennai - 600 021, within a time frame.

For Petitioner : Mr.T.K.Kulasekaran

For Respondents: Mr.P.R.Dhilip Kumar
Standing Counsel - for R1
Mr.C.R.Malarvannan for R2

O R D E R

The petitioner has filed the above Writ Petition, to issue a writ of mandamus, directing the first respondent to provide electricity connection to the petitioner's premises bearing Door No.16/39, Bethania Garden, Old Washermanpet, Chennai - 600 021, within a time frame.

2. It is the case of the petitioner that he applied for electricity connection before the first respondent and also paid the necessary charges on 13.01.2014. Since the second respondent, who is the landlord of the premises objected to the provision of electricity connection to the petitioner, the first respondent has not provided the electricity connection till today.

3. The second respondent filed a counter affidavit, wherein, it has been stated that the petitioner is permissive occupant and that he has initiated a suit in O.S.No.5262 of 1991 to vacate one Mr.Arasappan and two others. During the pendency of the suit, the said Arasappan agreed to vacate the premises occupied by him and his family members, including the petitioner.

4. However, the learned counsel appearing for the petitioner submitted that the petitioner was not a party to the suit in O.S.No.5262 of 1991 and that there is no relationship between the petitioner and the said Arasappan. Further, the learned counsel submitted that the petitioner is not in possession of the property as permissive occupant.

5. The learned counsel appearing for the second respondent submitted that the second respondent has initiated proceedings against the petitioner for evicting him from the property.

6. From the above, it is clear that there is a dispute between the petitioner and the second respondent with regard to the possession of the property. But the dispute between the private parties cannot be put against the petitioner for obtaining electricity connection. Electricity connection is a basic necessity and therefore, the petitioner is entitled to get electricity connection from the first respondent. However, the grant of electricity connection in favour of the petitioner shall not give any advantage to him while defending the proceedings to be initiated by the 2nd respondent. Even if the electricity connection is given to the petitioner, it is made clear that he should not claim any equity or title over the property.

7. In these circumstances, I direct the first respondent to provide electricity connection to the petitioner's premises, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the second respondent should take possession of the property from the petitioner only in accordance with law. Further, it is made clear that the petitioner shall surrender the electricity connection at the time of vacating the premises.

8. With these observations, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

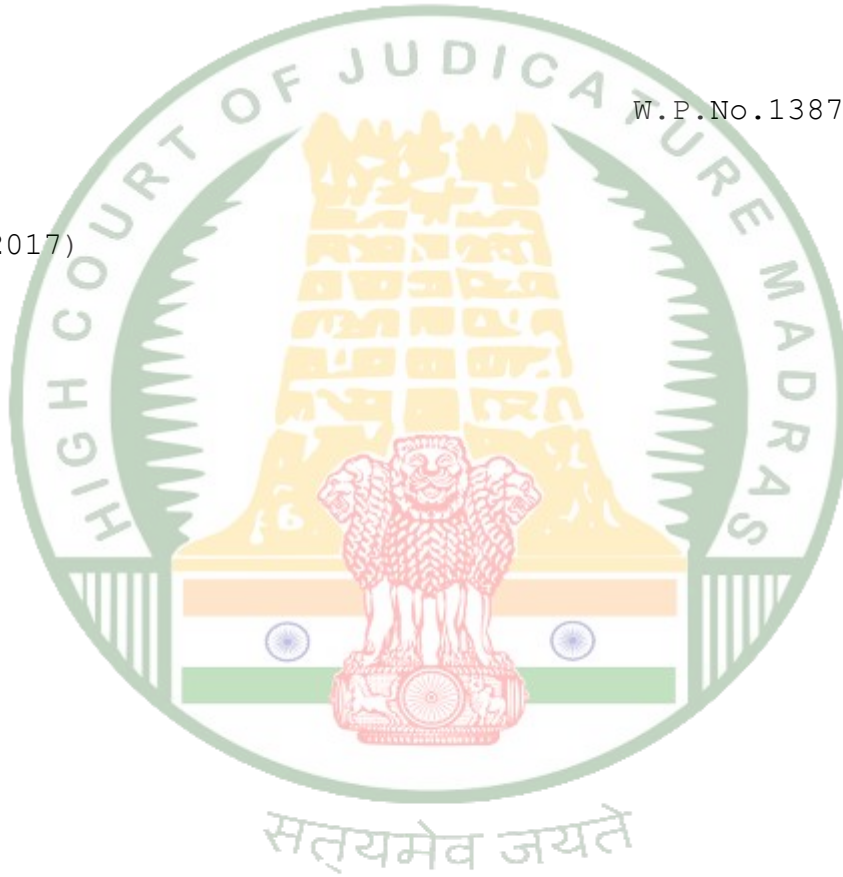
To

The Assistant Engineer
O & M/Vallalar Nagar
Tamil Nadu Electricity Board,
TANGEDCO, Old Washermanpet,
Chennai -79.

+1 CC to Mr.P.R. Dhilip Kumar, advocate sr 60842
+1 Cc to Mr.N. Mohideen Basha, Advocate sr 60679
+1 Cc to Mr.T.K. Kulasekaran, advocate sr 60944.

W.P.No.13875 of 2017

SP(06/09/2017)



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