



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 15.03..2017

CORAM :

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**W.P (MD) No.4876 of 2016**

**and**

**W.M.P. (MD) .No.4370 of 2016**

S.Ravindran

...Petitioner

Vs

1) The Assistant Engineer,  
Tamil nadu Generation & Distribution  
Corporation Limited (TANGEDCO),  
Distribution / Jansi Division,  
Madurai - 625 001.

2) Shahul Hameed Batcha

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, restraining the 1<sup>st</sup> respondent from insisting consent from the landlord i.e., the 2<sup>nd</sup> respondent for providing separate electricity supply to the petitioner's occupation of 'Balaji Lather and Footwear' at Shop Nos. 5 and 7, No.67, West Tower Street, Sulaika Towers, Madurai - 625 001 based on the petitioner's representation dated 29.02.2016.

For Petitioner : Mr.P.T.Rameshraj

For Respondent No.1 : Mr.E.P.Venkateshwar

For Mr.S.M.S.Johny Basha

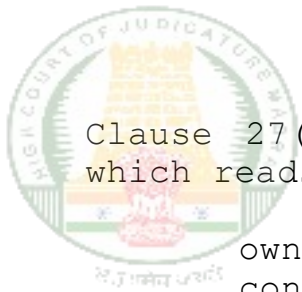
For Respondent No.2 : Mr.M.P. Senthil

### ORDER

The petitioner is running a shop in the name and style of "Balaji Lather and Footwear" as a tenant under the second respondent herein. It appears that there is some dispute between the landlord, the second respondent herein and the petitioner herein, regarding payment of rent. Since the second respondent did not pay electricity charges to the first respondent, even though he was collecting the charges from the tenant, the first respondent disconnected the electricity service connection. However, the petitioner, later on, submitted an application for separate electricity service connection in his name. However, the first respondent refused to extend separate service connection to the petitioner. Hence, the petitioner is constrained to file the present Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned counsel for the petitioner relied upon



Clause 27(4) of the Tamil Nadu Electricity Distribution Code, which reads as follows:-

"An intending consumer who is not the owner of the premises [\*\*\*] shall produce a consent letter in form 5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or 2(\*\*\*)) refuses to give consent letter, the intending consumer shall produce proof of his/her being in lawful occupation of the premises and also execute an indemnify bond in form 6 of the Annexure III to this code indemnifying the licence against any loss on account of dispute arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate".

3. In the present case, though there is a dispute between the landlord and the tenant, the landlord admits that the petitioner is in enjoyment over the building in question. Hence, the possession of the petitioner can be presumed to be lawful. Even in a case, where the tenant is not in a position to get consent from the landlord, it is possible to the tenant to get electricity service connection, provided he is able to establish the fact that he is in lawful possession of the premises and on executing an indemnify bond, as required under Clause 27(4) of the Tamil Nadu Electricity Distribution Code.

4. In such view of the matter, the Writ Petition is disposed of with a direction to the first respondent to consider the application for separate electricity service connection to the petitioner in respect of the premises, which is in occupation of the petitioner, namely, the business premises of Balaji Lather and Footwear'' at Shop Nos. 5 and 7, No.67, West Tower Street, Sulaika Towers, Madurai, based on the representation dated 29.02.2016 and in the light of Clause 27(4) of the Tamil Nadu Electricity Distribution Code and extend service connection, if the petitioner satisfies the requirements in accordance with law and on merits, after hearing the second respondent herein, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/



To  
The Assistant Engineer,  
Tamil nadu Generation & Distribution  
Corporation Limited (TANGEDCO),  
Distribution / Jansi Division,  
Madurai - 625 001.  
+1 CC to M/s.P.T.RAMESH RAJA, Advocate, SR No. 15263

DSS/NB  
PSM/SV-MMS/23.03.2017/3P/3C

W.P (MD) No.4876 of 2016  
15.03.2017