

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.198 of 2012

A.Essakimuthu

.. Petitioner

Vs.

1.The Assistant Engineer,
(Consumption & Distribution),
Tamil Nadu Electricity Board,
Chintadripet, Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Phycrafts Road, Triplicane,
Chennai - 600 005.

3.Miss.Pushpa

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to give New Single Phase Domestic Electricity connection to the petitioner's portion in old door No.89, New No.140, ground floor, Iyyamudali Street, Chintadripet, Chennai - 600 002.

For Petitioner : Mr.Narasimhulu

For Respondents : Mr.P.R.Dhilip Kumar

Standing Counsel for R1 & R2

M4.V.G.Suresh Kumar for R3

O R D E R

Heard Mr.Narasimhulu, learned counsel for the petitioner; Mr.P.R.Dhilip Kumar, learned Standing Counsel for the respondents 1 and 2; Mr.V.G.Suresh Kumar, learned counsel for the third respondent and perused the materials available on record.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to provide New Single Phase Domestic Electricity connection to the petitioner's portion in old door No.89, New No.140, ground floor, Iyyamudali Street, Chintadripet, Chennai - 600 002.

3. The petitioner is a tenant under the third respondent. It seems that the tenant filed R.C.O.P.No.1282 of 2009 under Section 8(5) of the Rent Control Act, 17 of 1973 (in short "the Act"), seeking permission to deposit rent in the Court and the landlord initiated eviction proceedings on the ground of wilful default and due to the dispute between the landlord and tenant, the Electricity Board, disconnected the service connection.

4. The learned counsel for the third respondent would state that the petitioner instead of approaching the Rent Controller for restoration of the amenities and enforce the order, has straight away filed this Writ Petition. It is further contend that the building is in dilapidated condition and the petitioner has shifted to other building and he is not residing in the premises in dispute.

5. I find force in the contention of the learned counsel for the third respondent. It seems that the petitioner had already filed R.C.O.P.No.34 of 2010 under Section 17 of the Act for restoration of electricity supply and also obtained orders in M.P.No.206 of 2010. As rightly pointed out by the learned counsel for the third respondent, if the order of the learned Rent Controller is not obeyed, the petitioner has to take steps to enforce the order. The present Writ Petition, seeking direction to effect service connection is not maintainable.

6. Accordingly, the Writ Petition fails and the same is dismissed. There is no order as to costs.

सत्यमेव जयते

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Assistant Engineer,
(Consumption & Distribution),
Tamil Nadu Electricity Board,
Chintadripet, Chennai - 600 002.

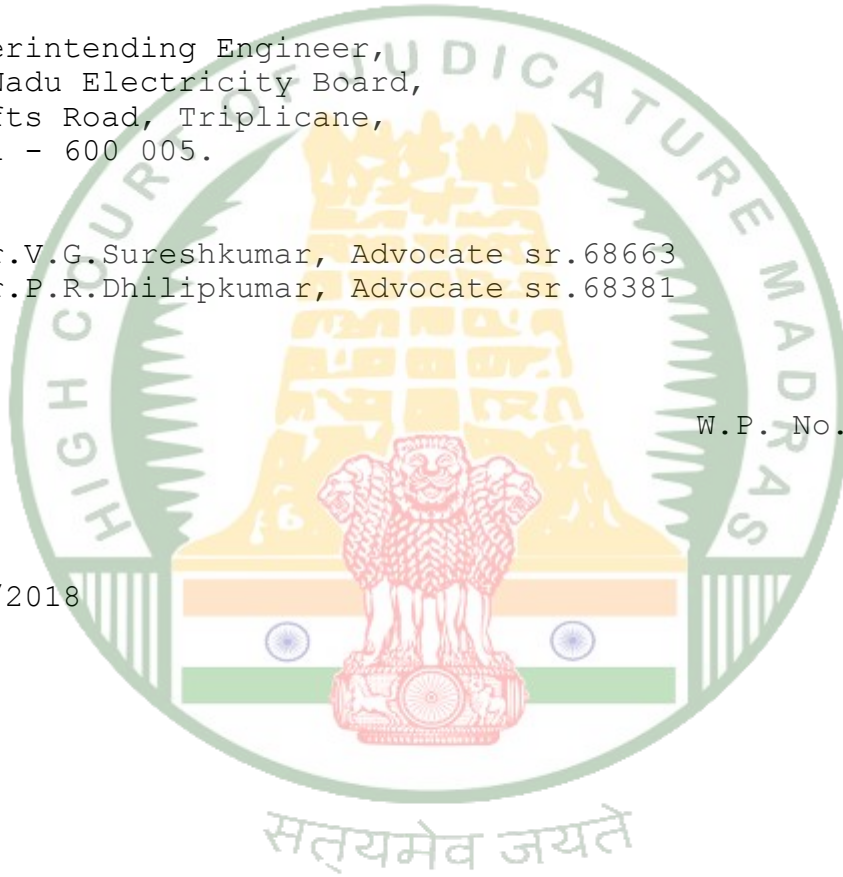
2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Phycrafts Road, Triplicane,
Chennai - 600 005.

+1cc to Mr.V.G.Sureshkumar, Advocate sr.68663

+1cc to Mr.P.R.Dhilipkumar, Advocate sr.68381

W.P. No.198 of 2012

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