

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24709 of 2017

P.Yuvaraj

..Petitioner

Vs.

1. The The Assistant Engineer,  
Operation and Maintenance,  
TANGEDCO Ltd,  
Koyambedu,  
Chennai-600 107.

2.G.D.Ramesh

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus , directing the 1st respondent herein to process the application dated 29.08.2017 submitted by the petitioner herein and supply electrical energy to the petitioner' Shop at G-4, Ground Floor, Sriji Majestic Complex, No.6-E, Long Road, Koyambedu, Chennai-600 107, in which the petitioner is the lawful tenant, within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.P.R.Dhilip Kumar for R1

Mr.Joseph Gunasekar for R2

O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent to process the application dated 29.08.2017, submitted by the petitioner for supply of electrical energy to the petitioner Shop at G-4, Ground Floor, Sriji Majestic Complex, No.6-E, Long Road, Koyambedu, Chennai-600 107, in which the petitioner is the lawful tenant.

2.The grievances of the writ petitioner is that he entered into a lease agreement with the second respondent on 01.02.2012, in respect of the Shop bearing No.6E Long Road, Koyambedu, Chennai 600 107 and the tenancy was reduced into writing and signed by the writ petitioner as well as the second respondent who is the owner of the property. At the time of entering into the lease agreement, the monthly rent was fixed at Rs.25,000/- and the writ petitioner advanced an amount of Rs.10 lakhs to the 2<sup>nd</sup> respondent. Subsequently, the 2<sup>nd</sup> respondent demanded further advance amount and the writ petitioner had paid Rs.5 lakhs as further advance. On account of certain disputes, the writ petitioner filed a Civil Suit in O.S.No.5144 of 2016, before the XIV Assistant City Civil Court, Chennai for bare injunction restraining the 2<sup>nd</sup> respondent from evicting except under due process of law and the Civil Suit is pending. This apart, the writ petitioner filed R.C.O.P.No.1432 of 2016, and the said RCOP was dismissed by the XII Small Causes Court, Chennai dated 18.08.2017.

3.The learned counsel appearing on behalf of the second respondent further states that the writ petitioner was already evicted from the premises, and the premises was already let out to one Mr.Mahendran and he is in possession of the Shop which is the subject matter in this writ petition. Thus, the petitioner is not in possession of the leased out premises and he was already evicted from the premises, and therefore, if any grievance existed for him, it is left open to him to approach the appropriate forum in the manner known to law for electricity connection, as per the Board's regulation for the purpose of providing service connection and in the event of no objection certificate from the owner of the property, the case of the petitioner can be considered for providing service connection in his name. The relief, as such sought for, in this writ petition cannot be granted. Hence, the writ petition stands dismissed. However, there shall be no order as to costs.

-s/d-  
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

KP

To

1. The XIV Assistant  
City Civil Court  
Chennai.

2. The Assistant Engineer,  
Operation and Maintenance,  
TANGEDCO Ltd.,  
Koyambedu,  
Chennai-600 107.

+1 CC to Mr.K. Govi Ganesan, Advocate sr 57789

W.P.No.24709 of 2017

RR(CO)  
SP(17/09/2018)



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