

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29944 of 2007

and

M.P.No.1 of 2007

1.Amkbikapathy (deceased)

2.Kokila

3.Stalin

4.Raghunathan

5.Ravikumar

6.Rathidevi

7.Kannan

(P2 to 7 are substituted as LR's of P1
as per order dated 27.07.2014)

...Petitioners

Vs.

1.The Assistant Executive Engineer
Tamil Nadu Electricity Board
Chennai

2.K.Muthuvel

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the 1st respondent to grant separate Electricity service connection in the name of the petitioner in respect of the property situated at Door No.44, North Mada Street, Villivakkam, Chennai-49.

For Petitioners : Mr.V.Ragavachari

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

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the 1st respondent to grant separate Electricity service connection in the name of the petitioner in respect of the property situated at Door No.44, North Mada Street, Villivakkam, Chennai-49.

2.The learned counsel for the petitioner would submit that the petitioner is a tenant in the property situated at Door No.44, North Mada Street, Villivakkam, Chennai-49 under the tenancy agreement dated 23.02.1980 for the non residential purpose under the 2nd respondent. The petitioner is in continuous possession of the aforesaid property for over the period of 25 years on the basis of agreed rents, he was carrying on textile business in the said premises. However, due to the sudden fall in the production of the textile industry, the petitioner was not able to run the business continuously in the said premises and subsequently, there was a dispute between the petitioner and the landlord. Hence, the electricity supply to the premises in the petitioner's possession got disconnected. Therefore, the petitioner made an application to the Electricity Board for the electricity connection, the same was not considered by the authorities.

3.The learned counsel for the petitioner would submit that though the writ petition was filed in the year 2007, however, till date the electricity connection was not made ready. Accordingly, prays for appropriate relief.

4.The learned standing counsel appearing for the TNEB would submit, that when the authorities visited the premises to restore electricity connection, they found that the petitioner was not in occupation of the premises. Hence, his representation could not be considered.

5.Considering the above submissions made by the learned counsel for the 1st respondent, this court is inclined to direct the petitioner to file a fresh application along with the residential proof and tenancy agreement to the 1st respondent for ready reference. Thereafter, the 1st respondent is hereby directed to consider the application once the same is filed by the petitioner along with the residential proof and tenancy agreement and pass appropriate orders on merits and in accordance with law.

6.This writ petition stands disposed of accordingly.
No costs. Consequently, connected miscellaneous petition
is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kas

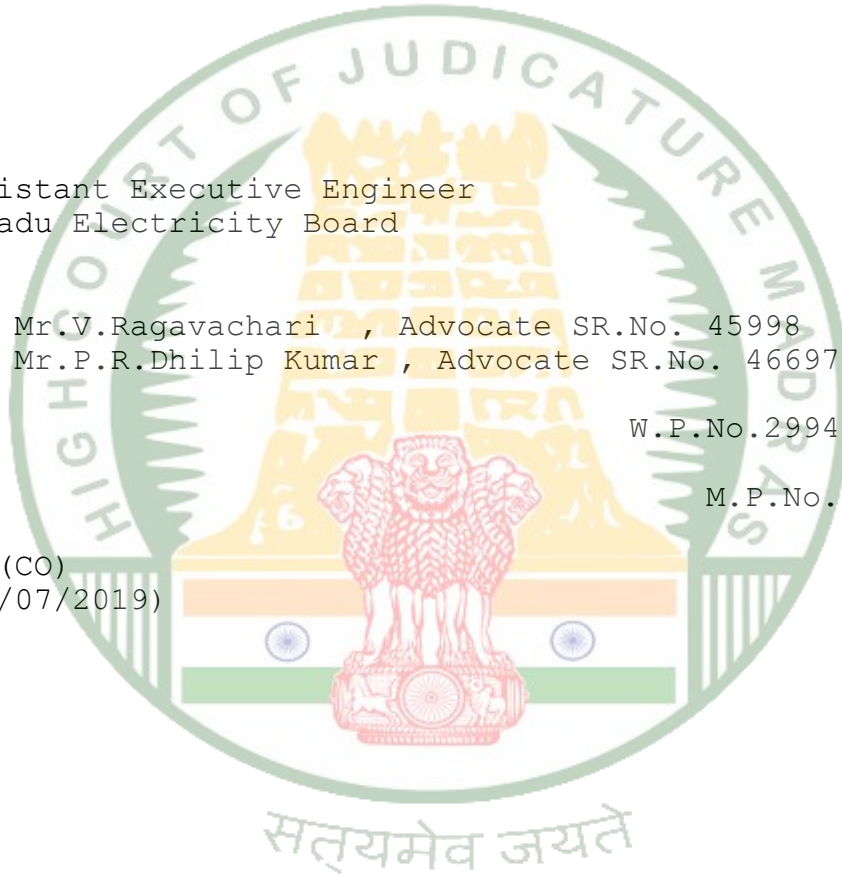
To

The Assistant Executive Engineer
Tamil Nadu Electricity Board
Chennai

+1cc to Mr.V.Ragavachari , Advocate SR.No. 45998
+1cc to Mr.P.R.Dhilip Kumar , Advocate SR.No. 46697

W.P.No.29944 of 2007
and
M.P.No.1 of 2007

vsn (CO)
A.SK(08/07/2019)



सत्यमेव जयते

WEB COPY