

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10870 of 2010
and
M.P.Nos.1 & 2 of 2010

S.Ravichandran

..Petitioner

Vs

The Superintending Engineer,
Tamilnadu Electricity Board
Eri Palayam
Udumlapet.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 08.04.2010 so as to effect the Electricity connection in the name of the petitioner in respect of the shop situated at Door No.136, Manickam Street, Gandhinagar, Udumalpet, Tiruppur District, a terraced building to an extent of 250 square feet within the stipulated time.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.S.K.Rameshwar

सत्यमेव जयते
O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 08.04.2010, so as to effect the Electricity connection in the name of the petitioner in respect of the shop situated at Door No.136, Manickam Street, Gandhinagar, Udumalpet, Tiruppur District, a terraced building to an extent of 250 square feet within the stipulated time.

2. The learned counsel appearing for the petitioner would submit that the land with terrace building to an extent of 250 square feet situated at Manickam Street, Gandhinagar, Udumalpet,

Tiruppur originally belongs to One Arulthangam. The petitioner was inducted as a tenant on 22.06.2007 by way of an oral lease agreement. As per the oral lease agreement, the rent is fixed as Rs.1,000/- per month and the petitioner has paid a sum of Rs.25,000/- as refundable advance. The petitioner also paid the amount of Rs.5,000/- as deposit towards to the electricity connection of the said property. The petitioner is running a Grocery cum stationary shop in the name and style of 'Vinayaka Stores' for the past 2 years. The petitioner is regularly paying the professional tax to the Municipality and also regularly paying the Electricity charges. The petitioner has paid a sum of Rs.2763/- as additional deposit to the service connection on 15.09.2009. The petitioner has installed a show case worth about Rs.2,00,000/- for the purpose of his business.

3. The learned counsel appearing for the petitioner would also submit that the petitioner is very regular in making the payment towards the rent on the first day of every month. In the month of September/October, the said Arulthangam with a malafide intention requested the petitioner to vacate the property whereby the petitioner requested to grant time to have an alternative arrangement. However, Arulthangam declined to accept the request made by the petitioner and refused to receive the rent from the petitioner for the month of October 2009. Hence, the petitioner sent a sum of Rs.1,000/- for the month of October 2009 by way of demand draft, through registered post on 13.10.2009, which was refused as unclaimed on 22.10.2009. Thereafter, the said Arulthangam failed to receive the rent and therefore the petitioner has filed a petition in RCOP No.6/2009 before the Rent Controller Cum District Munsiff Court, Udumalpet Under Section 8 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1965 praying to permit the petitioner to deposit the rent before the Court.

4. The learned counsel appearing for the petitioner would further submit that the petitioner is regularly depositing the rent in the Court without any default. Being aggravated by the action of the petitioner, when the petitioner was out of station, the said Arulthangam illegally entered into the shop of the petitioner with the aid of goondas, thereby disconnected the electricity connection No.302-013-1136. In view of the same, the petitioner suffered a lot and he lodged a complaint before the Inspector of Police, Udumalpet Police Station on 17.02.2010. The Inspector of Police, Udumalpet has issued CSR Receipt No.2567216 and is investigating the issue. The petitioner sent a representation dated 19.02.2010 to the respondent TNEB, Udumalpet stating the above facts and requested to issue an electricity connection to the shop of the petitioner. Similar request has been made to the respondent on 08.04.2010. However, the respondent failed to effect the electricity connection.

5. Without going into the merits of the case, the learned counsel appearing for the respondent is directed to consider the representation made by the petitioner, dated 08.04.2010, afresh. The petitioner is also directed to send a copy of this order along with other documents to the respondent for consideration of his representation dated 08.04.2010, within a period of two weeks from the date of receipt of a copy of this order. The respondent is directed to consider the representation and pass appropriate orders within a period of four weeks therefrom.

6. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

The Superintending Engineer,
Tamilnadu Electricity Board
Eri Palayam, Udumlapet.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.66000

W.P.No.10870 of 2010

VGII (CO)
CS/24/10/2019

सत्यमेव जयते

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