

In the High Court of Judicature at Madras

Dated : 13.12.2019

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.665 of 2015

V.Parasuraman

...Petitioner

Vs

1.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chindatripet, Chennai-2.

2.Mr.J.Samuel
(R2 impleaded as per order dated
17.3.2017 by MMSJ in MP.No.1 of 2015) ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to grant domestic electricity supply to the petitioner's residence at No.17/9, Rex Street, Chindatripet, Chennai-2 forthwith on the basis of the representation dated 15.12.2014 as per law.

For Petitioner :Mr.L.Chandrakumar

For Respondent-1 :Mr.P.R.Dilipkumar

Respondent-2 :WP dismissed vide order dated
26.3.2019

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent to grant a domestic electricity supply to the premises, in which, he is residing.

2. Though the first respondent is willing to consider the request of the petitioner, the second respondent, who is the owner of the property, has given objections.

3. The learned Standing Counsel for the first respondent submits that there is a dispute between the petitioner and the second respondent and that therefore, the petitioner has to resolve the differences with his landlord.

4. The fact that the petitioner is in possession of the property is not disputed by the first respondent Board. Since there is a landlord - tenant dispute between the parties, obviously the second respondent will not give a no objection certificate to the petitioner. However, since electricity supply is a basic amenity, this Court is of the view that the interests of the first respondent can be protected by obtaining an indemnity bond from the petitioner in the statutory format, after which, the electricity connection can be given to the petitioner.

5. In the light of the above, the writ petition is disposed of by directing the first respondent to permit the petitioner to execute an indemnity bond in the statutory format and give all necessary undertakings to the first respondent. Upon satisfying all the conditions and taking note of the indemnity bond, the domestic electricity service connection shall be granted in the name of the petitioner for the premises in question. It is made clear that the grant of electricity service connection, pursuant to the order of this Court, will, in no manner, improve the case of the petitioner nor the petitioner can use the same as a defence, as there is a dispute between the petitioner and the second respondent. The above direction shall be complied with within eight weeks from the date, on which, the petitioner complies with the requisite formalities. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chindatripet, Chennai-2.

+1cc to M/s.P.R.Dhilipkumar, Advocate Sr.103942
+1cc to Mr.L.Chandrakumar, Advocate Sr.104216

W.P.No.665 of 2015

vsn II[co]
srg 30/01/2020