

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.24495 of 2018

S.Radha

.. Petitioner

Vs

1.The Chairman,

Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
Chennai.

2.The Superintendent Engineer,

Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
Coimbatore Electricity Distribution Division,  
Tatabad, Coimbatore - 12.

3.The Executive Engineer,

Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
Coimbatore Electricity Distribution Division,  
Coimbatore - 12.

4.The Assistant Engineer,

Tamil Nadu Generation and Distribution  
Corporation Limited (TANGEDCO),  
Coimbatore Electricity Distribution Division/City,  
Kadaiveethi/East, Coimbatore.

5.Mrs.S.Kalavathi

6.A.Srinivasan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 to 4 to provide temporary electricity connection to the Commercial building situated at Door No.272-275, Raja Street, Coimbatore - 641 001.

For Petitioner

: Ms.K.Udaya Sankari

For R1 to R4

: Mr.S.K.Raameshwar,  
Standing Counsel (TNEB)

For R5 & R6

: No Appearance

#### ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 4 / Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to provide temporary electricity service connection to the commercial building situated at Door No.272-275, Raja Street, Coimbatore - 641 001.

2. It is submitted by the learned counsel for the petitioner that the petitioner, being a statutory tenant in respect of the commercial building in question, has been running a cloths shop under the name and style of "M/s.Mangai Matching Centre", along with her husband. After the death of her husband, she has been running the said business alone. It is further submitted that initially, the petitioner and her husband had entered into lease agreement dated 14.10.1996 and 06.07.1998 with one Mr.B.N.K.Sharma, who is the owner of the commercial building in question and it was agreed to fix Rs.20,000/- as advance and Rs.6,500/- per month as monthly rent. Whiles, the fifth respondent/Mrs.S.Kalavathi, vide her letter dated 10.09.2004, requested the petitioner to pay the monthly rent to her since she had purchased the commercial building in question from one Mr.B.K.N.Sharma. Subsequently, on verification with Mr.B.K.N.Sharma about the purchase of the commercial building in question, the petitioner has been paying a sum of Rs.8,595/- towards monthly rent to the fifth respondent.

3. Whiles, it is stated, in the month of November, 2012, the fifth respondent demolished some of the adjacent properties belonged to her and thereby she has informed the petitioner about the disconnection of electricity service with an assurance to restore the electricity service connection. However, the fifth respondent did not come forward to restore the electricity service connection to the commercial building in question. Hence, she had filed a suit in O.S.No.2891 of 2012 on the file of the Principal District Munsiff, Coimbatore, seeking permanent injunction not to evict her. Pending the suit, she had also moved an application in I.A.No.2769 of 2012 seeking interim injunction directing the fifth respondent to provide electricity service connection. Whiles, since the fifth respondent had closed her bank account, the petitioner had filed R.C.O.P.No.147 of 2013 seeking permission to deposit the monthly rent of Rs.8,595/- and the said petition was allowed on 17.04.2015 after giving sufficient opportunity to the fifth respondent. Pursuant

to this order, the petitioner has been depositing the rent before the Court till date. In the meanwhile, the petitioner has approached the respondents/TANGEDCO seeking electricity service connection to the commercial building in question.

4. By relying on the Tamil Nadu Electricity Distribution Code 27(4), learned counsel for the petitioner further submitted that valid proof means any proof of occupancy, such as registered Power of Attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from the appropriate authority or decree or judgment of Courts. But, in the present case, although the petitioner has submitted rent receipt as proof, the respondents/TANGEDCO have not considered the same, therefore, a direction may be given to the respondents/TANGEDCO to grant the electricity service connection to the commercial building in question.

5. Learned Standing counsel appearing for the respondents 1 to 4, by filing a counter affidavit, submitted that when the petitioner is a tenant, the fifth respondent, being a landlord, has disconnected the electricity service connection on the ground that she was going for demolition of the building for reconstruction. When the building was to be demolished, they have disconnected the electricity service connection long time ago. Now, the Civil Suit in O.S.No.2891 of 2012 and R.C.O.P.No.147 of 2013 filed by the petitioner are pending before the lower Court. In the meanwhile, the fifth respondent, being the landowner of the commercial building in question, has raised an objection for grant of electricity service connection, therefore, in the light of the objection raised by the landlord, unless NOC or the consent letter is being given by the landlord, the respondents/TANGEDCO may not be in a position to grant electricity service connection as sought for by the petitioner.

6. I fully agree with the above said submissions. It is not in dispute that the petitioner herself admitted in her affidavit that she had allowed the fifth respondent/owner of the commercial building in question to disconnect the service connection for demolition and reconstruction. But, no proof has been produced before this Court to establish that there was a reconstruction made after the demolition of commercial building in question and even if it is so, the petitioner has to workout her remedy in the pending civil suit filed by her as stated above. Further, the petitioner has not produced any document to show that after the reconstruction of the

building in question, she will be provided with an alternative accommodation for running her business. Thus, without any of those above materials, the prayer of the petitioner seeking to effect the electricity service connection in the commercial building in question cannot be entertained by this Court.

7. Accordingly, for the reasons stated above, the writ petition is dismissed as devoid of any merit. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman,  
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Corporation Limited (TANGEDCO),  
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A.SK(03/06/2019)