

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32233 of 2018

P.Thambidurai

.. Petitioner

-vs-

1.The Assistant Engineer,
O&M Ayyappanthangal,
Tamil Nadu Electricity Board,
Sri Ramachandra Medical College Campus,
Porur, Chennai-600 116.

2.S.Shankar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to give new additional 3 Phase EB service connection (commercial) to the petitioner on the basis of the application dated 10.11.2018 and to pass orders within the stipulated period.

For Petitioner : Mr.J.Milton Arul Rajendran

For respondents : Mr.S.K.Raameshuwar,
Standing Counsel for R1

Mrs.S.Hemalatha
for Mr.R.Prabu for R2

ORDER

The writ petition has been filed seeking a direction to the first respondent to give new additional 3 Phase EB service connection (commercial) to the petitioner on the basis of the application dated 10.11.2018.

2.Learned counsel appearing for the petitioner would submit that on the basis of the rental agreement dated 08.03.2018, the petitioner as a tenant in the property situated at No.2/367, Oil Mill Road, Ayyappanthangal, Chennai, measuring to an extent of 260 sq.ft. of shed, started sea food shop in the name of Kasimedu Meen Angadi for which he has been paying electricity charges along with rent. According to the learned counsel appearing for the petitioner, the landlord second

respondent has been insisting to pay the monthly rent of Rs.9,600/- along with additional charges for E.B., for which the petitioner refused to pay the increased amount insisted by the landlord. Since there was dispute between the petitioner and the second respondent with regard to the enhancement of rent, the petitioner has filed R.C.O.P. SR. No.1608 of 2018 on the file of the District Munsif Court, Sriperumbudur to fix the fair rent under Section 4 of the Rent Control Act. In the meanwhile, since electricity service has been disconnected, the petitioner has given an application on 10.11.2018 to the first respondent for restoration of the electricity service connection.

3.Learned counsel appearing for the second respondent would submit that the petitioner has not paid monthly rent on the basis of the rental agreement and therefore, making complaint against the second respondent that he has enhanced the monthly rent is wholly unacceptable.

4.When the petitioner has been staying long time without paying any rent, he is not entitled to get the electricity service connection and the same is the matter between the landlord and the tenant, who has already filed R.C.O.P. at the SR stage. Therefore, when the petitioner has already approached the learned District Munsif, Sriperumbudur by moving the R.C.O.P., this Court, taking note of the fact that no two parallel proceedings are permitted, is not inclined to entertain the petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

The Assistant Engineer,
O&M Ayyappanthangal,
Tamil Nadu Electricity Board,
Sri Ramachandra Medical College Campus,
Porur, Chennai-600 116.

+1cc to Mr.S.K.Raameshuwar, Advocate, S.R.No.33049

W.P.No.32233 of 2018

SJ(CO)
RRS (28/05/2019)