

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 6680 of 2020
and
W.M.P. No.7923 of 2020

S.Saravanan

... Petitioner

Vs.

1.The Assistant Engineer,
TANGEDCO,
Tondiarpet Division,
Chennai.

2.The Executive Engineer,
TANGEDCO,
Tondiarpet Division,
Chennai.

3.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

4.S.Gowri

5.Vijayalakshmi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondent to restore the electricity supply and hand over the consumption card to the petitioner or provide separate service connection to the petitioner.

For Petitioner

: Mr. T.K.S.Gandhi

For Respondents 1-2

: Mr. P.R.Dhilip Kumar
Standing Counsel

O R D E R

This Writ Petition has been filed for the issuance of Writ of Mandamus directing the first and second respondent to restore electricity supply to the petitioner or to provide separate service connection to the petitioner.

2. It is seen from the records that the petitioner and the fourth respondent are residing in the same premises. The petitioner is residing in the first floor with his wife and children and the fourth respondent is residing in the ground floor. The electricity connection stands in the name of the petitioner's father. The further allegation that has been made by the petitioner is that the fourth respondent illegally disconnected the electricity connection to the portion belonging to the petitioner. The petitioner has therefore, given a representation to the first and second respondents on 20.02.2020 to restore the electricity connection or to consider giving a new connection. Since no action was taken by the first and second respondents, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr. T.K.S.Gandhi, learned counsel appearing on behalf of the petitioner and Mr. P.R.Dhilip Kumar, learned Standing Counsel appearing on behalf of the first and second respondents.

4. Learned counsel appearing on behalf of TANGEDCO submitted that there can only be one electricity connection for the premises. Learned counsel submitted that if a new electricity connection is to be given to the petitioner then the existing connection will have to be surrendered.

5. It is seen from the records that the electricity connections stands in the name of the father of the petitioner. The said connection is being utilised both by the petitioner as well as the fourth respondent. Therefore, the fourth respondent will not have any right to disconnect the electricity connection to the portion belonging to the petitioner. The dispute between the petitioner and the fourth respondent will have to be resolved only before the competent Civil Court.

6. In view of the above, there shall be a direction to the second respondent to consider the representation made by the petitioner on 20.02.2020, calling the petitioner for enquiry. The second respondent is directed to inform the fourth respondent that the electricity connection that is given to the premises cannot be disconnected unilaterally. If there is any

threat or pressure exerted by the fourth respondent, it is left open to the petitioner to take necessary help from the Police. The second respondent shall ensure that the electricity connection that is provided to the premises is utilised both by the petitioner and the fourth respondent. If, in spite of the instructions given by the second respondent, the fourth respondent resorts to any disconnection of the electricity supply, necessary action shall be taken by the third respondent, in accordance with law.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn

To

1.The Assistant Engineer,
TANGEDCO,
Tondiarpet Division,
Chennai.

2.The Executive Engineer,
TANGEDCO,
Tondiarpet Division,
Chennai.

3.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

+1 cc to Mr.T.K.S.Gandhi Advocate sr23412

+1 cc to Mr.P.R.Dhilip kumar Advocate sr23655

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and
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