



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.1262 of 2021

M. Wahid Ali

... Petitioner

-Vs-

1. Government of Tamil Nadu,
Rep. By its Secretary,
Energy Department,
Fort St. George,
Chennai - 600009
2. The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600002
3. The Executive Engineer,
No.46, Tamil Nadu Electricity Board
velachery Main Road,
Chennai - 600042
4. The Assistant Engineer, O& M,
Tamil Nadu Electricity Board
Velachery Main Road,
Chennai- 600042

5. Logabai

... Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to provide electricity service connection to the Petitioner's commercial shop bearing Door No.2/8, First Main Road, Vijaya Nagar, Velachery by considering representation of the petitioner dated 21.12.2020 within the time



stipulated by this Hon'ble Court.

For Petitioner : G.Dinesh Kumar

For Respondents : Mr. A.Selvendiran,
Government Counsel for R1
Mr. L.Jai Venkatesh
Standing counsel for R2 to R4

O R D E R

The 1st respondent is not a necessary party in this writ petition and hence, deleted.

2. This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to provide electricity service connection to the petitioner's shop situated in the subject property by considering the representation made by the petitioner on 21.12.2020.

3. The case of the petitioner is that he entered into a tenancy agreement with the 5th respondent on 17.06.2005. There is some dispute between the petitioner and the 5th respondent, which resulted in the 5th respondent initiating eviction proceedings against the petitioner and which is pending in RCOP No. 1754 of 2016. In the meantime, the service connection given to the subject property is said to have been disconnected. Hence, the petitioner made a representation in this regard to the department on 21.12.2020, seeking for restoration of the connection and since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard learned counsel for the petitioner and Mr. A.Selvendiran, learned Government Counsel for 1st respondent and Mr. L.Jai Venkatesh, learned Standing counsel for respondents 2 to 4. The notice was attempted to be served on the 5th respondent through Court and privately and it was not able to be served. Thereafter, this Court permitted the learned counsel for the petitioner to serve the notice on the Counsel, who is appearing for the 5th respondent in the eviction proceedings and this attempt also proved to be futile. Therefore, there is a deemed service insofar as the 5th respondent is concerned.



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5. The learned counsel for the petitioner specifically places reliance upon Clause 27 (iv) of the Tamil Nadu Electricity Distribution Board. The learned counsel submitted that the petitioner will satisfy the requirements under the said Clause and the respondents may be directed to consider the same and restore the service connection for the subject property.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is running a shop in the subject property and there is a pending dispute between the petitioner and the 5th respondent, there shall be a direction to the 4th respondent to consider the representation made by the petitioner on 21.12.2020 and get an indemnity bond executed by the petitioner and restore the service connection. This process shall be completed by the 4th respondent within a period of one week from the date of receipt of the copy of this order. It is made clear that the order passed in the present writ petition will not have any bearing on the pending dispute between the petitioner and the 5th respondent.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sha/rka

To

1. Government of Tamil Nadu,
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Energy Department,
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Chennai - 600009
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3. The Executive Engineer,
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Velachery Main Road,
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4. The Assistant Engineer, O& M,
Tamil Nadu Electricity Board
Velachery Main Road,
Chennai- 600042

+1cc to M/s.L.Jaivenkatesh, Advocate, S.R.No.45689
+2cc to M/s.B.Vijay, Advocate, S.R.No.45241
+1cc to the Government Pleader, S.R.No.45526

W.P.No.1262 of 2021

PMK(CO)
SB(27/09/2021)