

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 28785 of 2011

and

M.P. No. 1 of 2011

M.H.Samsudin,

... Petitioner

Vs

1. Divisional Engineer (North)
Tamil Nadu Electricity Board,
Paikara Electric System Co-operative Colony,
Mettupalayam, Coimbatore District.
 2. Assistant Engineer,
Tamil Nadu Electricity Production
and Distribution Corporation,
Coimbatore Electricity Circle/North
Town/North,
Mettupalayam - 641 301.
 3. C.K.Natraraj
 4. C.K.Balakrishnan
(R4 impleaded vide order of this Court
in M.P.No.1 of 2012 in W.P.No.28785 of 2011).
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter of the 2nd respondent in letter Ka.No.U.Mi.Po/Na/Va/Me.Pa/Ko.Kattu/VN-31/11 dated 16.6.2011 and quash the same and consequently direct the respondents to consider the petitioner's request dated 27.4.2011 for new service connection as per Section 27(4) of the Tamil Nadu Electricity Distribution Code and extend new service connection to his shop in No.6A, Extension Main Road, Senthil Theatre Complex, Mettupalayam.

For Petitioner : Mr.S.Vadivel Murugan

For R1 & R2 : Mr.D.Krishna Pradeep
for Mr.N.Damodharan
Standing Counsel

ORDER

The petitioner claims to be a tenant of the 4th respondent in respect of the property for which, the electricity connection has been declined to the petitioner. There is a prior dispute between the 3rd and 4th respondents who are brothers and sons of late C.Keppaiah Chettiar who appear to have equal rights over the property. The petitioner claims to have entered into rental agreement dated 24.02.2009 for the period of two years with the 4th respondent filed an application in I.A.No.406 of 2011 for grant of electricity connection for the respondents 1 and 2.

2. It appears that the 3rd respondent has filed the suit against the 1st and 2nd respondents in O.S.No.153 of 2011 on the file of the District Munsif Court, Mettupalayam and had obtained an order of interim injunction restraining them from giving electricity connection to the property.

3. By the impugned order, the respondents have declined to give electricity connection to the petitioner on the ground that there is no consent from the owner of the property. On the other hand, it is the case of the petitioner that in terms of regulation 27(4) of the Tamil Nadu Electricity Distribution Code, even if the petitioner is not in position to get consent of the owner of the property and if he is in lawful occupation of the property, he is entitled to obtain the electricity connection based on a indemnity bond/letter in Form-6. The learned counsel for the petitioner further submits that the respondents should be directed to give electricity connection to the petitioner.

4. On the other hand, the learned counsel for the 1st & 2nd respondents/Tamil Nadu Electricity Board submits that in view of the interim injunction granted by the Court below, they are unable to process the application for electricity connection to the petitioner.

5. Heard the learned counsel for the petitioner and the respondents.

6. Admittedly, there is legal impediment for the respondents/Tamil Nadu Electricity Board, to extend the electricity connection in terms of Section 27(4) of the Tamil Nadu Electricity Distribution Code, since there is an interim order passed by the District Munsif Court, Mettupalayam in O.S.No.153 of 2011. In such circumstances, it is for the petitioner to workout his remedy by approaching the Civil Court to get the interim order vacated by citing Section 27(4) of the Tamil Nadu Electricity Distribution Code, by virtue of the same, he is entitled to get the electricity connection.

7. The petitioner is not left without any remedy against the order and therefore is entitled to move the Court for vacating the interim order in terms of the aforesaid provision of the Tamil Nadu Electricity Distribution Code.

8. Therefore, I dispose of this writ petition by directing the petitioner to approach the District Munsif Court, Mettupalayam, seeking to vacate the interim order in terms of the aforesaid provisions of the Tamil Nadu Electricity Distribution Code.

9. On the order being vacated, the 1st respondent shall immediately process the application and give electricity connection to the petitioner by virtue of the provision of the Tamil Nadu Electricity Distribution Code.

10. The writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arb

To

1. Divisional Engineer (North)
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W.P. No. 28785 of 2011
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GPL(CO)
CB(15/06/2021)