



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22325 of 2019

S.Venkatesh

... Petitioner

vs.

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer (A.E.),
Anna Nagar West Extension,
1100A, 5th Street, H-Block,
TNEB Complex,
Chennai - 600 040.
3. The Executive Engineer,
Anna Nagar West Extension,
1100A, 5th Street, H-Block,
TNEB Complex,
Chennai - 600 040.
4. P.Kowsalya
5. P.Baranidharan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 1 to 3 to provide new electricity connection in the name of the Petitioner and restore power supply to the Petitioner's shop situated in Ground Floor at No.390, School Road, Anna Nagar West Extension, Chennai-101.

For Petitioner : M/s.B.Rama

For Respondent 1 to 3 : Mr.L.Jai Venkatesh

For Respondent 4 & 5 : No Appearance



O R D E R

Petitioner has come up with this Writ Petition seeking a direction to Respondents 1 to 3 to provide new electricity connection in his name and restore power supply to his shop situated in Ground Floor at No.390, School Road, Anna Nagar West Extension, Chennai-101.

2. According to the Petitioner, he is running a Xerox Shop in the name of 'Madha Xerox' in the rented portion at No.390, School Road, Anna Nagar West Extension, Chennai, measuring an extent of 300 sq. ft. in the ground floor and is currently paying monthly rent of Rs.24,200/- to the 4th Respondent, who is the landlord of the said premises and that, he has paid a sum of Rs.12,50,000/- as advance.

3. It is further stated by the Petitioner that, in the year 2016, the 4th Respondent demanded huge rent from him. As he refused to pay the rent demanded by the 4th Respondent, the latter tried to illegally evict the Petitioner by way of goondas. Hence, the Petitioner filed a Civil Suit in O.S.No.4952 of 2016 before the IV Assistant City Civil Court, Chennai for a direction not to evict him, without following due process of law. Though, status quo was ordered, the Suit was subsequently dismissed, as the defendant/Landlord filed a Petition to evict the Petitioner, as per law.

4. The Petitioner had also filed R.C.O.P.No.1598 of 2016 on the file of the XII Small Causes Court for fixation of fair rent and the same is pending. Thereafter, the 4th Respondent filed Eviction Petition in R.C.O.P.No.1749 of 2016 on the file of the XIV Small Causes Court on the ground of wilful default and additional accommodation. During the pendency of the Eviction Petition, the 4th Respondent's son filed a false complaint, as though, the Petitioner obtained cracker licence to sell crackers in his Shop by way of forged documents. On the basis of the complaint, the local police asked the Petitioner to evict the premises. As the Petitioner refused, the local police arrested him and remanded to judicial custody at the instigation of the 4th and 5th Respondents, and the Petitioner was jailed for more than 30 days.

5. Thereafter, the 4th and 5th Respondents locked the Toilet provided to the Petitioner and subsequently demolished the same. Though, fire broke out in the meter box of the entire building, where the Petitioner's shop is located and electricity connection was disconnected on account of the same, within a day, electricity connection was restored to the entire building, except the Petitioner's shop. Hence, the Petitioner made a representation to Respondents 1 to 3 herein to provide



Electricity Service connection in the name of his shop 'Madha Xerox' as per the provisions of the Act. As the 4th and 5th Respondents objected to the same, the Petitioner could not get any positive reply in that regard. Hence, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

6. Learned counsel for the Petitioner submitted that, this Court may issue a direction to the Respondents/Electricity Board to consider the Petitioner's Application for provision of electricity service connection in the name of his Shop, within a stipulated period.

7. Learned Standing Counsel appearing for Respondents 1 to 3/Electricity Board submitted that, the issue pertains to landlord-tenant dispute and that, both the tenant and the landlord have filed cases before the Courts below, which are pending. Hence, according to him, the Petitioner is not entitled to seek for any relief from this Court.

8. Heard the learned counsel for the parties and perused the material documents available on record.

9. The Petitioner has sought for the relief of provision of electricity service connection to the Xerox Shop run by him in the premises rented out by the 4th Respondent herein. As a dispute arose between the tenant and the landlord as regards rent, initially, the Petitioner filed a Civil Suit in O.S.No.4952 of 2016 before the IV Assistant City Civil Court, Chennai and the same came to be dismissed, subsequently. Thereafter, the Petitioner filed R.C.O.P.No.1598 of 2016 on the file of the XII Small Causes Court, Chennai for fixation of fair rent and the same is pending. Also, the 4th Respondent/landlord filed an Eviction Petition in R.C.O.P.No.1749 of 2016 on the file of the XIV Small Causes Court on the ground of wilful default and additional accommodation, etc.

10. Admittedly, the Petitioner is running the Shop in a rented premises and litigations between him and the 4th Respondent/landlord are pending. While so, this Court cannot intervene to consider the grant of relief sought for by the Petitioner, as rightly averred by the learned Standing Counsel for the Respondents/Electricity Board.



WEB COPY

Hence, this Writ Petition is dismissed as misconceived. No costs. Consequently, connected W.M.P.No.21636 of 2019 is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

(skt/aeb)

To:

1. The Chairman,
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
2. The Assistant Engineer (A.E.),
Anna Nagar West Extension,
1100A, 5th Street, H-Block,
TNEB Complex,
Chennai - 600 040.
3. The Executive Engineer,
Anna Nagar West Extension,
1100A, 5th Street, H-Block,
TNEB Complex,
Chennai - 600 040.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.58342

W.P.No.22325 of 2019

KSM[co]
NSK 21/01/2022