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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27498 of 2021

E.Divya

....Petitioner

Vs.

1 The Superintendent Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd Udhagamandalam
The Nilgiris District.

2 The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd Udhagamandalam
The Nilgiris District.

3 Shandev

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 2nd respondent to immediately restore the electricity consumption connection No. 034020101283 M/s. Bell Flower Resorts situated at building 4 / 932 and 4/933 Fun Cuty Love dale in Ooty The Nilgiris forthwith on the basis of the petitioner representation cum Complaint dated 14.12.2021

For Petitioners: Mr.S.Venkatesh

For Respondent : Mr.Abul Kalam
R1 & R2 Standing Counsel

O R D E R

This Writ Petition has been filed seeking a direction to the 2nd respondent to immediately restore the electricity consumption connection No.034020101283, M/s. Bell Flower Resorts situated at building 4/932 and 4/933, Fun Cuty Love dale in Ooty, The Nilgiris forthwith on the basis of the petitioner representation cum Complaint dated 14.12.2021.



2. The case of the petitioner is that she is running a resort in name and style of 'M/s.Bell Flower Resorts' in the aforesaid address for the past two years. The said land is belonging to the 3rd respondent. The petitioner and the third respondent had entered into a tenancy agreement dated 04.11.2019. The petitioner has paid the rent regularly to the third respondent. There is a tenancy dispute between the petitioner and the 3rd respondent, therefore, the petitioner filed a suit before the District Munsif Court, Nilgiris not to evict her from the premises without following due process of law.

3. In the meanwhile, at the instigation of the third respondent, the second respondent has disconnected the electricity connection, which stood in the name of the third respondent. Therefore, the petitioner has given a representation cum complaint to the second respondent to restore the electricity connection. Till date, no order was passed, the present writ petition has been filed before this Court seeking appropriate relief.

4. The learned counsel for the petitioner submitted that the petitioner is regularly paying the electricity charges. If the electricity connection is not restored, the entire business will get collapsed. Therefore, this Court may issue a direction to the second respondent to consider the petitioner's representation dated 14.12.2021 within the reasonable time as fixed by this Court.

5. The learned counsel for the Standing Counsel appearing for the second respondent submitted that the petitioner's representation will be considered in terms of Section 27 of the Tamil Nadu Electricity Distribution Code and appropriate orders will be passed in accordance with law within the reasonable time as fixed by this Court.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 & 2 and perused the materials available on record. No adverse order is passed against the third respondent and hence, notice to the third respondent is dispensed with.

7. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the second respondent to consider the petitioner's representation dated 14.12.2021 in terms of Section 27 of the Tamil Nadu Electricity Distribution Code and pass orders, after affording opportunity to the third respondent, on merits and in accordance with law, within the period of two weeks from the date of receipt of a copy of this order



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8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rli

To

- 1 The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd, Udhagamandalam,
The Nilgiris District.
- 2 The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd, Udhagamandalam,
The Nilgiris District.

+lcc to M/s.S.Venkatesh, Advocate, S.R.No.69355

W.P.No.27498 of 2021

RP(CO)
RGA(23/12/2021)