



W.P.No.27342 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.27342 of 2017

and

W.M.P.No.29236 of 2017

1.Arun Kumar Kalingarayar

2. Siddarth Kalingarayar

3. A.Samyuktha

Represented by their Power Agent Anguraj,
No.37, ABT Road, Pollachi

...Petitioners

Vs.

1. The Divisional Executive Engineer,
TANGEDCO,
Pollachi.

2. The Assistant Executive Engineer,
Town TANGEDCO,
Pollachi.

3. Anusya

...Respondents

1/6



W.P.No.27342 of 2017

WEB COPY

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents 1 and 2 herein from providing new service connection to the 3rd respondents with respect to the property bearing Door No.69C, Old No.69, Railway Station Road, Pollachi Town, Pollachi Sub Registrar Office, Coimbatore District as described in the petitioners representation dated 09.07.2016 and 12.07.2016 respectively given to the respondents.

For Petitioners : M/S.L.Mouli
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition has been filed seeking a mandamus, to forbear the respondents 1 and 2 herein from providing new service connection to the 3rd respondents with respect to the property bearing Door No.69C, Old No.69, Railway Station Road, Pollachi Town, Pollachi Sub Registrar Office, Coimbatore District as described in the petitioners' representations dated 09.07.2016 and 12.07.2016 respectively given to the respondents.



W.P.No.27342 of 2017

2. The case of the writ petitioner is that he is the owner of the property and the petitioner had leased out the property to the 3rd respondent/private party for the purpose of residential usage. In the above mentioned premises, the electricity service connection was provided and also charged the same under the tariff for residential category.

3. The grievance of the writ petitioner is that the 3rd respondent/private party is attempting to convert the residential service connection into commercial service connection.

4. Mr.L.Jai Venkatesh, learned standing counsel for the respondent submits that without the consent of the petitioner, the respondents/TANGEDCO cannot convert the residential service connection into commercial service connection. Further, the learned counsel submits that though they have not filed any counter, the grievance of the petitioner would be considered since he is the owner of the property.

4.1. The 3rd respondent/private party is the tenant under the petitioner in respect of the subject property, even if the tenant is making any application to convert the residential service connection to commercial service connection, the



W.P.No.27342 of 2017

said application would be considered only in the event of the tenant obtains consent from the owner of the property. Therefore, the learned standing counsel made clear that no residential service connection will be converted into commercial service connection at the instance of the 3rd respondent/private party unless and until the consent/NOC obtained from the petitioner and produced.

5. In view of the above submissions, this Court feels it appropriate to direct the 1st and 2nd respondents not to convert the residential service connection into commercial service connection on the request made by the 3rd respondent/private party without the consent of the petitioner, who is the owner of the property.

6. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2021

Index: Yes/No
Speaking order/Non speaking order
jd



W.P.No.27342 of 2017

To

WEB COPY

1. The Divisional Executive Engineer,
TANGEDCO,
Pollachi.
2. The Assistant Executive Engineer,
Town TANGEDCO,
Pollachi.



WEB COPY



W.P.No.27342 of 2017

Krishnan Ramasamy , J.

jd

W.P.No.27342 of 2017
and
W.M.P.No.29236 of 2017

01.12.2021