



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19503 of 2020

and

W.M.P.(MD)No.16251 of 2020

WEB COPY

Zahir Hussain

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board (Generation and Distribution)
Parvathipuram & P.O, Nagercoil,
Agastheeswarm Taluk-629 003,
Kanyakumari District.

2.The Assistant Divisional Engineer,
Tamil Nadu Electricity Board (Generation and Distribution)
Eraniel, Eraniel Post,
Kalkulam Taluk - 629 802,
Kanyakumari District.

3.The Junior Engineer,
Tamil Nadu Electricity Board (Generation and Distribution)
Manavalakurichi Post,
Kalkulam Taluk - 629 802,
Kanyakumari District.

4.Maideenkhan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent for disruption of electricity supply and preventing the officials from taking reading in the meter in respect of electricity service connection Number 07-174-015-939 in Door No.11/88B of Manavalakurichi Town, Kanyakumari District and for shifting of the said meter to the other side of the Wall in the said shop premises as per the representation of the petitioner dated 06.04.2020 and 18.08.2020 without NOC from 4th respondent.

For Petitioner : Ms.Anandhavalli.J

For Respondents : Ms.M.Rajeswari

For Mr.S.M.S.Johnny Basha for R1 to R3
Mr.S.C.Herold Singh for R4.

ORDER

Heard the learned counsel for the petitioner, learned standing counsel for the respondents 1 to 3 and the learned counsel for the fourth respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The writ petitioner is a tenant under the fourth respondent. The relationship between the two has come under strain. The fourth respondent has already filed a suit in O.S.No.194 of 2018 on the file of the Sub Court, Padmanabhapuram, seeking recovery of possession. The said suit is at the stage of arguments and it is likely to be disposed of in the near future. In the meanwhile, the petitioner has moved this writ petition alleging that electricity supply to his shop is being disrupted. The petitioner is said to be having a sub meter for reading the supply to the petitioner's shop. But then, the sub meter is installed on the wall that is facing the fourth respondent. The specific allegation of the petitioner is that taking advantage of the location of the sub meter box, the fourth respondent is removing the fuse and thereby disrupting the supply of electricity to the petitioner's shop. According to the petitioner, this is a daily occurrence.

3.I make it clear that so long as the petitioner is in occupation of the premises, the petitioner is entitled to uninterrupted supply of electricity. A tenant is definitely entitled to provision of basic amenities such as supply of water and electricity from the statutory authorities. If this right is interfered with, certainly the tenant would be entitled to move the Court concerned for relief. I am of the view that at this stage, there is no need for shifting of the petition mentioned meter. However, I would restrain the fourth respondent from interfering with the petitioner's right to receive uninterrupted supply of electricity. I further make it clear and I clarify that this order will not confer any advantage on the petitioner in the pending suit proceedings. Since the petitioner's counsel firmly states that as on date, the petitioner is without supply of electricity, the respondents 1 to 3 are directed to take appropriate action for restoring the supply of electricity to the petitioner herein. The rights of the parties will of course abide by the eventual outcome of the suit proceedings. The TANGEDCO officials are entitled to take all possible steps for ensuring the petitioner is restored with supply of electricity. The official respondents are directed to complete the said work within a period of one week from the date of receipt of a copy of this order.

4.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : Issue order copy on **15.02.2021**. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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Kanyakumari District.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-4489[F] dated 11/02/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4842[F] dated 12/02/2021)

W.P (MD) No.19503 of 2020
11.02.2021

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