

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1291 of 2022

and

W.M.P.No.1400 of 2022

K.P.Ismath Basha

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
No.825, Anna Salai,
Chennai 600 002.

2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Government Estate,
Anna Salai, Chennai 600002.

3. Dilshad Begum

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 17.01.2022 in accordance with law.

For Petitioner : Mr.T.Paranthaman

For Respondents : Mr.L.Jaivenkatesh
1 and 2 Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 17.01.2022 in accordance with law.

2. The case of the petitioner is that M/s.asar-e-shariff Wakf was created by the maternal great grand father of the 3rd respondent and the Wakf owns two immovable properties and the

same was managed by a Muthavalli. The mother of the 3rd respondent acted as Muthavalli and she managed the wakf and thereafter relieved from the office of Muthavalli and Mr. Basheer ahamed was appointed as Muthavalli. On 30.09.1999, the said Baseer Ahamed died and his son-in-law / the petitioner herein was appointed as Muthavalli by the proceedings of the Wakf Board dated 22.11.1999. Challenging the appointment, there is series of litigations are pending between the petitioner and the 3rd respondent. While so, the officials of the 2nd respondent came to the property and informed the petitioner for disconnection of electricity connection. Immediately the petitioner approached the 2nd respondent Office and enquired and it came to the knowledge of the petitioner that the 2nd respondent visited the property in Door No.13, Dwlathkhan Bahadur Street and Door No.18/21, Big Mosque Street, Chennai, wherein they found that the electricity connection in Door No.13, Dawlathkhan Street is used for the building in Door No.18/21, Big Mosque Street, Chennai and called upon the petitioner to submit his explanation within a period of 15 days. Immediately the petitioner through his counsel had submitted explanation, by stating that both the door numbers are belongs to the single Wakf . However, the 2nd respondent without considering the explanation dated 03.01.2022, vide his letter dated 29.12.2021 informed that the petitioner's explanation is not satisfactory and therefore, going to disconnect the electricity service connection. Therefore, the petitioner in order to avoid technicalities, submitted a representation dated 06.01.2022 to the 2nd respondent, requested to shift the electricity service connection to the new building which is in Door NO.18/21, Big Mosque Street, Chennai. Since no steps having been taken, the petitioner has sent another representation dated 17.01.2022 to the 2nd respondent, however till date, the 2nd respondent did not take any action on the same. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that the old building of the wakf is fell down due to the natural calamity and the petitioner has put up a new building to conduct religious activities and since he is being a Muthavalli, he is entitled to have a residence in the wakf premises and he resides in the said building. The petitioner is paying the electricity charges to the 2nd respondent without any default and till date, dues are paid by the petitioner. Further, the learned counsel submitted that both the door numbers are belongs to a same wakf and therefore, the petitioner has not misused the electricity as alleged by the impugned letter dated 29.12.2021. Though representations dated 06.01.2022 and 17.01.2022, till date, it has not been considered. Hence prays for appropriate orders.

4. The learned Standing Counsel appearing for the official respondents submitted that petitioner has illegally drawn electricity power connection from the old building to the new building and when the same came to the knowledge of the officials, the building was inspected and an order for disconnection of electricity supply has been issued to the petitioner. The respondent TANGEDCO in discharge of their duty has conducted inspection and passed the order dated 29.12.2021 for disconnection and the same does not warrant interference of this Court and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it. Since no adverse orders are passed against the respondents, notice to them is not necessary.

6. Facts in the present case is that the petitioner has illegally said to have drawn electricity connection from the old property to the newly constructed property, for which appropriate proceedings was issued by the Electricity Board vide its order dated 29.12.2021. In such situation, the petitioner made representation to the Electricity Board on 06.01.2022 and 17.01.2022, prays for closing of the order dated 29.12.2021, which is not sustainable for the reason that the petitioner not obtained any fresh connection for the newly constructed property. He has drawn the electricity connection illegally from the old building to the new building and therefore, the respondent Electricity Board have right to disconnect the electricity connection, which is illegally used by the petitioner.

7. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Chairman,
Tamil Nadu Electricity Board,
No.825, Anna Salai,
Chennai 600 002.

2. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Government Estate,s
Anna Salai, Chennai 600002.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.5781

W.P.No.1291 of 2022

GPL(CO)
SU(09/03/2022)