



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P.No.12194 of 2022
and
WMP No.11642 of 2022

K.Vasudevan

.. Petitioner

vs.

1. The Assistant Executive Engineer,
Operation & Maintenance, TNEB,
No.1, 1st Street, Chetpet, Chennai 600 031.
2. The Assistant Engineer,
Operation & Maintenance, TNEB,
No.1, 1st Street, Chetpet, Chennai 600 031. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to restore the electricity connection to the petitioner's premises bearing Door No.773/2, Poonamallee High Road, Kilpauk, Chennai 600 010, electricity connection No.165/14/257 with meter No.7C351C forthwith in the light of the representation of the petitioner dated 2.4.2022 without any further delay.

For Petitioner : Mr.K.A.Mariappan

For R1 to R3 : Ms.V.Revathy
For Mr.L.Jai Venkatesh
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking direction to restore the electricity connection to the petitioner's premises, in the light of the petitioner's representation dated 02.04.2022.

3. The case of the petitioner in brief:
The petitioner is running a Tea Stall under the name and



style of Coffee & Tea Stall at No.773/2, New No.384, Off' EVR Periyar Salai (Poonamallee High Road), Chennai-600 010 in a rental premises since 1981. He had entered into an unregistered rental agreement dated 1.10.1981 with the landlady one Late Smt.Vaduvambal, for a monthly rent of Rs.400/- and the tenancy was renewed from time to time. Sri Ekambaranathan Devasthanam Temple Kacheepuram filed ejectment suit and in the said suit, a petition was filed by the said landlady to purchase the temple property and the same was allowed by the Court of Small Causes, Chennai and she purchased the land by way of registered sale deed executed by the Registrar of Small Causes Court, Chennai in Document No.4116 of 1980 dated 1.10.1980, SRO, Periamet. The petitioner had purchased a land and building from the measuring to an extent of 220 sq.ft. by way of registered Doc.No.586 of 1987 at SRO, Periamet, Chennai and thereafter mutated all revenue and electricity records in his name and paying the dues. The temple authorities removed the encroachments surrounding the petitioner's shop at Poonamallee High Road, Kilpauk and the 2nd respondent herein as a precaution, disconnected the electricity connection to the entire temple lands including the petitioner's tea stall to enable the temple authorities to remove the encroachments. After removal of encroachments, the 2nd respondent assured the petitioner that the electricity connection will be restored, but instead of restoring the electricity connection to the petitioner's tea stall, the respondents simply dragged the matter to some extent. Therefore, the petitioner made a representation on 02.04.2022, to the respondents for restoring the electricity connection. But, till date no action has been initiated. Hence the present writ petition.

4. The learned counsel appearing for the petitioner submitted that without giving any prior notice and opportunity of hearing to the petitioner, the service connection was disconnected and the petitioner is facing severe hardship to run the Tea Stall. Therefore, the respondents may be directed to consider the representation of the petitioner for restoring the electricity service connection to the petitioner.

5. The learned Standing Counsel appearing for the respondents would submit that only as per the order of the Joint Commissioner of H.R & C.E Department, the service connection was disconnected.

6. On perusal of records, it reveals that without giving any notice or opportunity of hearing to the petitioner, the service connection provided to the petitioner's Tea Stall was disconnected. Before disconnecting the service connection, the respondent Board ought to have issued notice to the petitioner and inspected the property and then only, they shall take action



for disconnection.

7. Therefore, considering the facts and circumstances of the case and also in the interest of justice, this Court is inclined to pass the following order.

i) The respondent Electricity Board is directed to restore the electricity connection to the petitioner's Tea Stall, within a period of three days from the date of receipt of a copy of this order.

ii) The petitioner is directed to give fresh representation to the respondent Board with all his title documents and on the receipt of the same, the respondent has to consider the petitioner's representation within a period of one month from the date of receipt of the representation.

8. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Executive Engineer,
Operation & Maintenance, TNEB,
No.1, 1st Street, Chetpet, Chennai 600 031.

2. The Assistant Engineer,
Operation & Maintenance, TNEB,
No.1, 1st Street, Chetpet, Chennai 600 031.

+1cc to Mr.K.A.Mariappan, Advocate, S.R.No.31149

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.31154

W.P.No.12194 of 2022
and
W.M.P No.11642 of 2022

SV(CO)
SB(09/05/2022)