



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.33599 of 2017

and

W.M.P.No.37151 of 2017

M/s.Lalitha Telecom Service,
Represented by its Managing Partner
S.Ajaykuram

...Petitioner

Vs

1. The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.
2. The Assistant Executive Engineer,
(Operation and Maintenance), CEDC/Central
Chennai - 600 031.
3. T.N.Shakeel Ahamed Khan
4. T.N.Shafeeq Khan
5. T.N.Shahid Khan
6. T.N.Shameel Khan

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the second respondent to effect new 3 phase electricity service connection in favour of the petitioner in Old Door No.11/2, New Door No.25/2 Gandhi Irwin Road, Kennet Lane, Egmore, Chennai - 600 008 after receiving necessary charges and obtaining Indemnity Bond from the petitioner.

For Petitioner : Mr.E.C.Ramesh

For R1 & R2 : Mr.L.Jai Venkatesh
Standing Counsel

For R3 to R6 : Mr.D.Perciral Pericles
for Mr.S.Hussain Afnoze



ORDER

This Writ Petition has been filed seeking direction to the second respondent to effect new 3 phase electricity service connection in favour of the petitioner in Old Door No.11/2, New Door No.25/2 Gandhi Irwin Road, Kennet Lane, Egmore, Chennai - 600 008 after receiving necessary charges and obtaining Indemnity Bond from the petitioner.

2.The case of the writ petitioner is that, the deceased father of the petitioner entered into an agreement with the deceased father of the respondents 3 to 6, to purchase the shop at Old No.11/2, New No.25/2, Gandhin Erwin Road, Egmore, Chennai -8, and had paid a sum of Rs.6,00,000/- out of the total consideration of Rs.6,50,000/- in the year 1995. Thereafter, the respondents 3 to 6, refused to come forward to register the sale deed. Therefore, a civil suit in O.S.No.2582 of 1999 was filed against the respondents 3 to 6 and the same is pending. While so, since the three phase electricity service connection provided for the shop stands in the name of the deceased father of the respondents 3 to 6, the respondents 3 to 6 are making an attempt to disconnect the electricity frequently. Therefore, the petitioner made an application to the respondents 1 and 2, to transfer the three phase electricity service connection in favour of the petitioner. Since the respondents 3 to 6 made an objection to the respondents 1 and 2 for transferring the electricity service connection in the name of the petitioner, the respondents 1 and 2 had rejected the petitioner's application.

3.The learned counsel for the petitioner submits that the petitioner is in the possession of shop from the year 1995 and disturbing the electricity service connection would affect the business of the petitioner. He would further submits that since the respondents 1 and 2 have not considered the application of the petitioner, he approached this Court.

4.Per contra, the learned counsel appearing for the respondents 3 to 6 would submit that the three phase electricity service connection stands in the name deceased father of the respondents 3 to 6. Furthermore, the Civil Suit has been filed by the petitioner seeking for specific performance and the same is yet to be decided. However, he fairly submitted that the respondents 3 to 6 are not at all interfering with the electricity service connection and they have not made any attempt to disconnect the service connection. Therefore, he prayed for the dismissal of the Writ Petition.



5. Heard the learned counsel for the petitioner; the learned Standing Counsel for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 6.

6. Upon hearing, it appears that a sale agreement was entered between the father of the petitioner and the father of the respondents 3 to 6, for the total consideration of Rs.6,50,000/-. Out of which, the petitioner's father had paid a sum of Rs.6,00,000/- to the father of the respondents 3 to 6. After the demise of the father of the respondents 3 to 6, the respondents 3 to 6 have not come forward to register the sale deed. Therefore, a Civil Suit in O.S.No.2582 of 1999 has been filed for specific performance before the City Civil Court, Chennai and the same is pending. It is not in dispute that the petitioner is in the possession of the said shop and it is also not in dispute that the three phase connection stands in the name of the deceased father of the respondents 3 to 6. However, the only concern of the petitioner is to change the three phase connection in his name for the reason that the respondents 3 to 6 have been making attempts continuously to disconnect the electricity. His apprehension is that, if the electricity connection is disconnect, he cannot carry on his business. Further, if the person is running shop either on lease or based on any other agreement, no doubt, the electricity has to be provided which is essential to run the business. At any cost, the electricity service connection cannot be denied as long as the petitioner is in the possession of the premises. If the respondents 3 to 6 are legally entitled for the possession of the property, they can take appropriate legal process to evict the petitioner. At any costs, the respondents 3 to 6 should not interfere with the affairs of the petitioner as long as the petitioner is in the possession of the disputed property.

7. In such view of the matter, the official respondents 1 and 2 are directed not to disconnect the three phase electricity connection provided to the shop situated at Old No.11/2, New No.25/2 Gandhi Erwin Road, Egmore, Chennai -8.

8. With the above observations, this Writ Petition is disposed of. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To:

1. The Chairman,
TANGEDCO, Anna Salai,
Chennai - 600 002.
2. The Assistant Executive Engineer,
(Operation and Maintenance), CEDC/Central
Chennai - 600 031.

+2ccs to Mr.D.Percirai Pericles, Advocate, S.R.No.3738

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.3624 [26/04/2022]

W.P.No.33599 of 2017
and
W.M.P.No.37151 of 2017

PL[co]
NSK 15/02/2022