



W.P.No.898 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.898 of 2023

N.D.Balaji

...Petitioner

Vs.

- 1.Government of Tamilnadu,
Rep. By Secretary, Energy Department,
Fort St.George, Chennai – 600 009.
- 2.The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai – 600 002.
- 3.The Executive Engineer,
Tamilnadu Electricity Board,
North Zone-5, Royapuram,
Chennai – 600 013.
- 4.The Assistant Engineer,
Tamilnadu Electricity Board,
North Zone-5, Royapuram, Chennai – 600 013.
- 5.The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai – 600 013.

6.E.Soosaydas Sagayaraj

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 4th respondent herein to consider and act upon the representation dated 01.12.2022 and consequently provide electricity service connection to the petitioner's company bearing No.40/73, 1st Floor, West Madha Church Street, Royapuram, Chennai – 600 013 within a time stipulated.

For Petitioner : Mr.G.Gokul

For Respondents : Mr.U.Baranidharan

Additional Govt. Pleader for R1 & R5

Mr.L.Jai Venkatesh for R2, R3 & R5

ORDER

The petitioner is a tenant in a property bearing Door No.40/73, 1st Floor, West Madha Church Street, Royapuram, Chennai – 600 013 under the 6th respondent. Admittedly, as between the petitioner and the 6th respondent RLTOP.No.544 of 2022 is now pending before the XIIth Small Causes Court at Chennai, which petition has been filed by the 6th respondent under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.



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2.Once a judicial forum is seized of disputes between a landlord and tenant, it will be extremely inappropriate and improper on the part of any another judicial forum to consider any dispute arising *inter alia* between the tenant and the landlord. It is the grievance of the petitioner that the electricity connection has been cut off. The learned Standing Counsel for the respondents 1 and 4 however stated that it is only the 6th respondent who has disconnected the electricity supply. Restoration of the amenities is within the purview of the Small Causes Court at Chennai and this Court cannot and should not interfere with the matter.

3.The learned counsel for the petitioner has placed reliance on the judgment of a learned Single Judge dated 07.09.2021 in **W.P.No.1262 of 2021 in M.Wahid Ali Vs. Government of Tamilnadu and Others** and stated that a mandamus must be issued to the respondents to provide electricity connection. I am not in agreement with the said judgment and more particularly, there is no reference that proceedings were pending before a competent Court. The said judgment is not applicable to the case on hand.



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4.This Writ Petition fails and it is accordingly, dismissed. No costs.

11.01.2023

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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To:-

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C.V.KARTHIKEYAN, J.

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