



W.P.No.2682 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.2682 of 2020

and

W.M.P.No.3107 of 2020

M/s.Anukraga property Hire,
Represented by its Managing Director,
Mr.K.Vijay,
No.03, Mariamman Koil Street,
Sellaperumal Pet,
Lawspet Post,
Puducherry – 605 008.

... Petitioner

vs.

- 1.The Superintending Engineer,
Operation & Maintenance,
Electricity Department,
Government of Puducherry,
Puducherry.
- 2.The Executive Engineer/Urban,
Operation & Maintenance,
Electricity Department,
Government of Puducherry,
Puducherry.
- 3.The Assistant Executive/Town-I,
Electricity Department,



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Government of Puducherry,
Puducherry.

4.Ponnusamy Selvamani
5.Jagadeeswari
6.T.Balaji

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider representation dated 29.01.2020 submitted by the petitioner for fresh/separate electricity service connection in the petitioner's name at the premises bearing Door No.105, Kandappa Mudaliar Street, Puducherry – 605 001 before disconnecting the existing electricity service connection bearing policy code : 01-03-06-0709/A1 standing in the name of Mr.Ponnusmay Selvamani, S/o.Antoni (4th respondent) in pursuant order No.677/ED/AEE/TI-U4/F.37/2019-20 dated 23.01.2020 issued by the third respondent to the fourth respondent.

For Petitioner : Mr.Prakash Adiapadam
For Respondents : Mrs.Sharadha Vivek
Additional Government Pleader
(Puducherry) [R1 to R3]
Notice not ready [R4 & R5]
No appearance [R6]

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider representation dated 29.01.2020 submitted by the petitioner for fresh/separate electricity



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service connection in the petitioner's name at the premises bearing Door No.105, Kandappa Mudaliar Street, Puducherry – 605 001 before disconnecting the existing electricity service connection bearing policy code : 01-03-06-0709/A1 standing in the name of Mr.Ponnusmay Selvamani, S/o.Antoni (4th respondent) in pursuant order No.677/ED/AEE/TI-U4/F.37/2019-20 dated 23.01.2020 issued by the third respondent to the fourth respondent.

2. The case of the petitioner is that, it is a firm, which provides lodging facilities to tourists on short-term basis. While so, on 02.03.2016, the petitioner-firm entered into lease agreement with the respondents 4 and 5 for taking three-storied building and they have also paid the advance and they are paying the monthly rent. Thereafter, the petitioner-firm entered into a lease agreement with the sixth respondent for subletting totally 11 rooms comprised in the 1st and 2nd floors of the said premises for doing lodging facility. However, the first floor was also leased out to one K.S.Sumathi. While so, the respondents 4 and 5 colluded with sixth respondent have attempted to evict the petitioner-firm, for which, the petitioner has filed a civil suit in O.S.No.756 of 2018 on the file of learned



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II Additional District Munsif, Puducherry seeking for permanent injunction restraining the defendant therein or anyone acting under him from evicting the petitioner-firm and the same is still pending. Apart from that, the said K.S.Sumathi had also filed a suit in O.S.No.801 of 2018 on the file of the learned II Additional District Munsif, Puducherry and obtained interim injunction.

2.1. It is the further case of the petitioner-firm that, on 30.03.2018, office of the third respondent disconnected the electricity service of the petitioner-firm alone for the act of theft of electricity committed by the petitioner. On 31.03.2018, the third respondent has directed the petitioner-firm to pay a sum of Rs.1,52,700/- for compounding the offence and the same was also paid by the petitioner-firm and on the same day, provisional assessment notice was issued by the Electricity Department demanding a sum of Rs.6,82,200/- from the petitioner for theft of electricity, pursuant to which, petitioner-firm has given a reply in the month of July, 2018. Thereafter, on 23.01.2020, the third respondent passed an order demanding compensation charges of Rs.6,82,200/- along with interest of the charges from the petitioner, filing which, all the service connection of



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the premises will be disconnected without any further notice. If electricity service connection is disconnected for non payment of compensation charges, the ultimate sufferer would be the petitioner-firm and not the respondents 4 and 5 as the petitioner-firm is running hotel in the said premises. Therefore, the petitioner-firm made a detailed representation on 29.01.2020 before the second respondent seeking to give separate electricity service connection for the petitioner-firm. Since the same was not considered by the second respondent, the petitioner filed the above writ petition for appropriate directions.

3. Though very many grounds have been raised in the above writ petition, however, at the time of arguments, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to grant liberty to the petitioner to file an Interlocutory Application in the pending suits as against the landlord and the Electricity Department, Puducherry.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader (Puducherry) appearing for the respondents 1 to 3 and perused the materials available on record.



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5. In view of the fair submission made by the learned counsel for the petitioner, this Court, without going into the merits of the case, grants liberty to the petitioner to workout the remedy before the competent Civil Court, where the civil suits are pending between the parties.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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