



W.P.No.8782 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

W.P.No.8782 of 2023

Sri Devi

...Petitioner

Vs.

1. The Superintendent Engineer,
Tamil Nadu Electricity Board, (TANGEDCO),
Chennai (North).
2. The Assistant Engineer,
Tamil Nadu Electricity Board, (TANGEDCO),
Washermanpet, Chennai.
3. K.Kamaraj

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 25.02.2023 and grant electricity connection to the rental premises at No.6, Ground and 1st Floor, G.A.Road, Old Washermanpet, Chennai - 600 021 within the stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.A.Michael Jacob Dennyson



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For Respondents : Mr.L.Jaivenkatesh, for R1 & R2

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 25.02.2023 and to consequently, grant electricity connection to the subject property.

2. Mr.L.Jaivenkatesh, learned Standing Counsel, takes notice for the 1st and 2nd respondents. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the 3rd respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that she entered into a Rental agreement with the 3rd respondent in the respect of the subject property situated at No.6, Ground and 1st Floor, G.A.Road, Old Washermanpet, Chennai and is running a Bike Showroom in the name and style of



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S.V.Bikes in Chennai in the said rental premises and the petitioner is paying a monthly rent of Rs.70,000/- to the 3rd respondent without any default.

While so, due to some tenancy dispute in between the petitioner and the private respondent, the petitioner was forced to file a suit in O.S.No.401 of 2023 on the file of the XIX Assistant City Civil Court, Chennai and the same is pending. While so, as the 3rd respondent wantonly disconnected the Electricity and Water connections of the subject premises, the petitioner is unable to continue running her business in the said rental premises and was put to huge loss. Therefore, the petitioner sent a representation dated 25.02.2023 to the 1st and 2nd respondents, requesting to effect temporary electricity connection to the subject premises, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the petitioner's representation dated 25.02.2023 and to consequently effect electricity connection to the subject premises, as expeditiously as possible.



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6. On the above said contention, heard learned Standing Counsel appearing for the 1st and 2nd respondents and perused the materials available on record.

7. A perusal of the material documents placed on record reveals that, admittedly there was a tenancy dispute in between the petitioner and the private respondent, for which, the petitioner filed a Suit in O.S.No.401 of 2023 on the file of the XIX Assistant City Civil Court, Chennai in respect of the subject rental premises and the same is pending. While so, without canvassing all her grievances before the Trial court in the pending suit and without awaiting for the orders of the Court below, filing the present Writ petition, seeking direction to the official respondents to effect electricity connection to the above said rental premises, which is a subject matter in the said Suit, is not sustainable.

8. Further, the issue involved in the present Writ petition is purely civil in nature and the same cannot be adjudicated by this Court under Article 226 of the Constitution of India and also the same cannot be decided by the official respondents. Hence, the prayer sought for by the petitioner in the present Writ petition cannot be acceded to. However, the petitioner is at



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liberty to canvass all her grievances before the Trial court where the suit is pending and the Trial Court shall dispose of the said suit without in any way being influenced by the present order of this Court.

9. With the above observations and directions, this Writ petition stands dismissed. No costs.

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skt

Speaking Order : Yes/ No
Index : Yes/ No

To

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