



W.P.No.10526 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.10526 of 2020

K.Jayanthi

...Petitioner

vs.

1. The Assistant Engineer,
O & M,
Tamilnadu Electricity Board,
No.53, EVK Sampath Salai,
Periamet,
Chennai-600002
2. P.S.Kumaran,
Represented by his Power Agent
Smt.Prema
Praba Gardens
Old No.30/2, New No.4,
Pachiappa College Hostel Road,
Chennai-600031.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue an Order or Writ or Direction or more particularly in the nature of a Writ of Mandamus directing the 1st respondent herein to give new electricity service connection in the petitioner's name with regard to the New shop



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No.4 bearing old Door No.21 New Door No.47, PREMA KUMAR, Poonamalee High Road, Periyamet, Chennai-600 003, on getting necessary indemnity bonds it any on a date fixed by this Hon'ble Court under Rule 27(4) of the Tamil Nadu Electricity Distribution Code 2004 on the basis of the petitioner's application dated 2.7.2020 vide Registration No.200011440772092.

For Petitioner : M/s.L.Santhosh Kumar

For respondents : Mr.L.Jaivenkatesh,
Standing Counsel for TNEB for R1.

: No Appearance for R2.

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to provide electricity service connection to his premises at New shop No.4 bearing old Door No.21 New Door No.47, Prema Palace, Poonamalee High Road, Periyamet, Chennai-600 003 in the name of the petitioner on the basis of his representation dated 02.07.2023 within the time that may be stipulated by this Court.



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2. The petitioner having entered into a rental agreement with the 2nd respondent 01.08.2012, is running a business under the name & style of M/s.Sangita Travel Agency in the aforesaid premises. The petitioner being a tenant under the 2nd respondent was prompt in payment of rent till July 2021. While so, the 2nd respondent along with some henchmen trespassed into the petitioner's premises and disconnected the electricity service connection which lead to the registration of the complaint before police. Further, the 2nd respondent has also filed RCOP against the petitioner alleging wilful default in payment of rent, in which eviction was ordered against which appeal was preferred by the petitioner in which, the petitioner was directed to pay the arrears of rent and accordingly, the petitioner settled the arrears. Despite, the payment of arrears of rent, electricity service connection has not been restored till date. Hence, the petitioner made a representation dated 02.07.2020 to the 1st respondent separate electricity service connection to his premises. However, the said representation did not yield any response. Hence, this Writ Petition has been filed.



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3. Though very many grounds have been raised, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st Respondent to consider the representation dated 02.07.2020 in terms of Rule 27(4) of the Tamil Nadu Electricity Distribution Code 2004 and pass orders on merits within the time that may be stipulated by this Court.

4. Learned Standing Counsel for the 1st respondent has no objection to the said order being passed.

5. It is admitted case of the petitioner that due to default in payment of rent, RCOP was filed before the Rent Controller. Though the petitioner claims to have deposited the amount towards the arrears of rent as directed by the Rent Controller, the proper course open for the petitioner would be to file appropriate application before the Rent Controller by impleading the Tamil Nadu Electricity Board as party to the Rent Controller proceedings. Instead of which, filing of Writ Petition before this Court is wholly unsustainable. Hence, the prayer sought for in this Writ Petition cannot be



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granted. However, liberty is granted to the petitioner to make appropriate application before the Rent Controller for appropriate relief.

6. Accordingly, this Writ Petition stands disposed of with the aforesaid liberty. There shall be no order as to costs.

05.06.2023

Index : Yes/No
Speaking order : Yes/No
NHS



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M.DHANDAPANI,J.

NHS

To:

The Assistant Engineer,
O & M,
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