



W.P.No.13825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13825 of 2023

P.Prabakaran

... Petitioner

Vs

1 The Chairman

Tamil Nadu Electricity Board Tamil Nadu,
Generation and Distribution and Corporation Limited,
Annasalai, Chennai.

2 The Assistant executive Engineer

Tamil Nadu Generations and Distribution
and Corporation Ltd.,
Metro Circle,
Avinasi Road, Chinnayampalayam,
Coimbatore 641 014.

3 The Assistant Engineer

Tamil Nadu Generations and Distribution And
Corporation Ltd., Metro Circle
Avinasi Road, Chinnayampalayam North,
Coimbatore 641 014.

4 R. Ponusamy,

...Respondents

Petition filed under Article 226 of the Constitution of India, for
issuance of Writ of Mandamus, directing the respondents 1 to 3 to grant a



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separate and new electricity service connection to the industry of the petitioner situated in Door No 3 / 387 Kulathur Road, Venkatapuram, Neelampur Village, Coimbatore 641062, without insisting to get NOC from the 4th respondent by considering the petitioners representation dated 20.04.2023.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.L.Jaivenkatesh, Standing Counsel
RR1 to 3

ORDER

This petition has been filed seeking a direction to the respondents 1 to 3 to grant a separate and new electricity service connection to the industry of the petitioner situated in Door No 3 / 387 Kulathur Road, Venkatapuram, Neelampur Village, Coimbatore 641062, without insisting to get NOC from the 4th respondent by considering the petitioners representation dated 20.04.2023.

2. It is the case of the petitioner that he is proprietor of Bharat Technology and he is engaged in the business of manufacturing of spare parts for various machineries. The 4th respondent is the owner of the land in Door No.3/387, Kulathur Road, Venkatapuram, Neelampur Village,



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Coimbatore. The petitioner entered into a deed of rental agreement with the 4th respondent to occupy the subject matter property for a monthly rent of Rs.50,000/- for a period of eleven months from 01.11.2019 to 30.09.2020 and also he paid an advance of Rs.6,00,000/- and the petitioner was demanded to pay the rent for the period from March 2020 and September 2020. Again the 4th respondent has disturbed the petitioner possession and enjoyment. Hence, the petitioner filed a suit in OS.No.133 of 2020 on the file of the District Munsif Court, Sulur against the 4th respondent for relief of permanent injunction. The learned Judge also granted interim injunction in IA No.01 of 2020. In such circumstances, the Enforcement wing of the TANGEDCO conducted inspection in the premises and they found that the above said EB service has been used by the petitioner for an industrial purpose. The inspection team had found that the 4th respondent has unauthorisedly permitted one oxygen concentrator to use the very same service connection for commercial purpose/ The Board had imposed a penalty of Rs.37,781/- on the 4th respondent. The 4th respondent failed to pay the above penalty to compound the violation under Section 126 of the Electricity Act,2003. Therefore, the petitioner made a representation to the respondents 2 and 3 to give a separate and new EB connection to his



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industry. After receipt of the said representation, the respondents 2 and 3 has directed the petitioner to get NOC from the 4th respondent who is the owner of the premises. Aggrieved against the same, the petitioner filed the present petition before this Court.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioners representation and to provide new electricity connection within the stipulated time as fixed by this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse orders are passed against the private respondent and hence, notice to the 4th respondent is dispensed with.

5. Considering the facts and circumstances of the case and in view of the limited relief sought for by the petitioner, this Court directs the respondents 1 to 3 to consider the representation of the petitioners' dated 20.04.2023 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the petitioner as well as the 4th



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respondent, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

28.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.

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