



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.12.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.33844 of 2023

Mohammed Ali

... Petitioner

Vs

1 The Assistant Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
O and M/Kilpauk, Chennai EDC/Central,
No.39, Medavakam Tank Road,
Kellys, Kilpauk, Chennai – 600 010.

2. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
O and M/Kellys, Chennai EDC/Central,
No.37, Medavakam Tank Road,
Kilpauk, Chennai – 600 010.

3. Rajini Balakrishnan
4. B.Somesh Balakrishnan
5. Dr.G.Balakrishnan

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the first and second respondents from disconnecting the electricity service connection bearing SC.No.149/012/317, by considering the petitioner's representation, dated 24.11.2023.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents: Ms.Keerthana Shenoi

for Mr.L.Jai Venkatesh

Standing Counsel – R1 & R2

ORDER

Ms.Keerthana Shenoi, learned counsel on behalf of Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice for the officials respondents, namely, TANGEDCO and is armed with instructions to enable final disposal of this matter, even at the stage of admission. No notice is thought necessary to the private respondents, ie., R3 to R5, in light of order that is proposed to be passed now taking into account their interests as well.

2. The petitioner prays for a mandamus forbearing the official respondents from disconnecting electricity service connection bearing SC.No.149/012/317 (in short 'electricity connection in question'). He has also made a representation dated 24.11.2023 before them seeking the same relief.



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3. Normally, the Court would have inclined to direct the respondents to consider the representation, since such consideration would entail an appreciation of the facts which would be beyond what this Court may embark upon in a Writ petition. However, in the present case, this Court is not inclined to, for the reason that the petitioner has filed a Civil Suit in O.S.No.5050 of 2023 which is pending before the XIII Assistant City Civil Judge, Chennai seeking permanent injunction as against the private respondents.

4. There is thus a dispute between the petitioner and the private respondents in regard to the property at No.1A(Part), Prof. Subramaniam Street, Kilpauk, Chennai – 600 010 ('property') which houses the electricity connection in question.

5. The petitioner is, admittedly, a tenant of the private respondents in the property, where he is running a tea and juice stall under the name and style of 'Latest Tea Stall'. Moreover, he claims to have obtained electricity service connection in his name from the Tamil Nadu Electricity Board in February, 2017.

6. For all these reasons, particularly since the Suit between the parties is pending, it would be appropriate that the petitioner approaches the Civil court to obtain the relief that is sought for in this Writ Petition.



DR.ANITA SUMANTH, J.

7. Hence, while directing the respondents to maintain status quo for a period of three (3) weeks from today, since the petitioner states that steps are imminent to disconnect the electricity connection, this Writ Petition is dismissed rejecting the plea for mandamus and permitting the petitioner to obtain necessary relief in accordance with law in the Suit pending before XIII Assistant City Civil Judge, Chennai. No costs.

06.12.2023

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

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