



W.P.(MD)No.15784 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15784 of 2022

and

W.M.P(MD).No.11375 of 2022

V.Gnanavel

... Petitioner

Vs.

1.The Assistant Executive Engineer,
TANGEDCO/West Region,
Operation and Maintenance,
E.B.Colony, Nanjikottai Road,
Thanjavur.

2.Selvaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order in A.No.10/023/2022 dated 30.06.2022 passed by the first respondent and quash the same.

For Petitioner : Mr.G.Karnan
For Respondents : Mr.K.Nagarajan (for R1)
Standing Counsel
Mr.A.Senthilkumar (for R2)



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner is a tenant under the second respondent. Dispute has arisen between the petitioner and the landlord. The petitioner was originally drawing electricity supply from the service connection standing in the name of the landlord. On account of default committed by the landlord, the said service connection got disconnected. It appears to be a deliberate default.

3. Be that as it may, the fact remains that the petitioner is an occupant as on date. Electricity supply is a fundamental amenity. As per the relevant Regulations, an occupier is entitled to obtain electricity supply in his name, ofcourse with the consent of the landlord. If the landlord withholds his consent, still the occupant is entitled to get supply of electricity subject to execution of an indemnity bond and other formalities. The petitioner obtained such an electricity service connection already in the year 2021. It appears that in the year 2017 itself, the landlord has settled the property in favour of his son, namely



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David Lawrance. David Lawrance, the son of the original landlord, informed the EB authority that the documents furnished by the petitioner are not genuine. In that view of the matter, the first respondent issued notice to the petitioner calling upon him to obtain No Objection Certificate from the landlord. That was put to challenge in this writ petition.

4. Today, when the matter was taken up for hearing, the learned Standing Counsel for EB submitted that if the petitioner complies with the formalities, such as indemnity bond etc., the supply will be restored.

5. At this stage, the learned counsel for the landlord submitted that the petitioner is in arrears. I do not want to go into the controversy as to the period for which the petitioner is in arrears. The petitioner himself admits that since March-2021 he has not paid any rent to the landlord. I do not want to go into the question as to whether the default was wilful or not, because it may affect the right of the petitioner in the eviction proceedings. I however direct the petitioner to deposit the arrears of rent (I again refrain from going into the quantum) before the Rent Controller. The petitioner undertakes to deposit the said amount within a week. It is



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open to the present landlord to withdraw the said amount without prejudice to his contentions. Since such an undertaking has been given before me, the first respondent is directed to restore supply of electricity.

6. The writ petition is allowed on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions is closed.

11.01.2023

NCC : Yes / No

Index : Yes / No

Rmk

Note : Issue order copy on 20.01.2023



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TO:
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G.R.SWAMINATHAN,J.

Rmk

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