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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 07.06.2024
Pronounced On : 11.06.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.14128 of 2024
& WMP.No.15316 of 2024

Mr.Rajesh Das

... Petitioner

VS

1. The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Rep. by its Managing Director,
NPKRR Maaligai, 144 Anna Salai,
Chennai – 600 002.
2. Superintending Engineer,
TANGEDCO, No.130, GST Road,
Chengalpet – 603 001.
3. Executive Engineer,
TANGEDCO, No.130, GST Road,
Chengalpet – 603 001.
4. Mr.Parthiban
5. Assistant Engineer,
TANGEDCO,
33 KV SS Complex,
Gangaiamman Koil Street,
Sathankuppam, Kelambakkam,
Chengalpet – 603 103.



6. Dr.Beela Venkatesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 5th respondents not to disrupt the power supply to the petitioner's residence at DG Gardens, Koman Nagar, Thaiyur, Kelambakkam, Chennai – 600 103 in respect of service connection no.09577010390 as long as the energy consumption charges are duly paid.

For Petitioner : Mr. V.Prakash
Senior Counsel
For Mr.S.Gokul

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.L.Jai Venkatesh
Standing Counsel - R1 to R3 and R5
Mr.P.Wilson
Senior Counsel
For Mr.Richardson Wilson – R6

ORDER

The petitioner seeks a mandamus directing the 1st to 5th respondents not to disrupt the power supply to the property at DG Gardens, Koman Nagar, Thaiyur, Kelambakkam, Chennai – 600 103, in respect of service connection No.09577010390, referred to hereinafter as 'service connection', as long as the energy consumption charges are duly paid. The address for the aforesaid property has elsewhere been stated to be DG Gardens, No.46, Thaiyur Village, Chengalpet Taluk, Old Kancheepuram District, now Chengalpet District and



hence this property, represented by the addresses as aforesaid, shall hereinafter be referred to as 'property/property in question'.

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2. I have heard the detailed submissions of Mr.V.Prakash, learned Senior Counsel appearing for Mr.S.Gokul, learned counsel for the petitioner, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.L.Jai Venkatesh, learned Standing Counsel for TANGEDCO and Mr.P.Wilson, learned Senior Counsel appearing for Mr.Richardson Wilson, learned counsel for R6.

3.The petitioner was compulsorily retired from the post of Special Director General of Police, Law & Order, State of Tamil Nadu in December 2023 on charges of sexual harassment of the then Superintendent of Police, Perambalur District. He was married to the 6th respondent (R6) in 1992. The marriage entered rough waters, as a result R6 left the petitioner in 1995 after having made a complaint to the CBCID that she was being subjected to cruelty and harassed for dowry.

4. An enquiry was conducted by a senior police officer. The result of the enquiry has not been made available to the Court. However, with the intervention of friends and family, their marriage was brought back on track leading to R6 withdrawing the police complaint in 1999. Between 1995 and 1997, R6 had prepared for, and cleared the IAS examination and was posted to Bihar cadre. She was deputed to Tamil Nadu thereafter.



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5. According to R6, the petitioner was given to having illicit relationships with women and was highly promiscuous. R6 alleges serious physical trauma and cruelty, both to herself and her two daughters. In 2002, the petitioner had been suspended citing moral turpitude based on a complaint of sexual harassment by a woman Deputy Superintendent of Police. The suspension lasted two years. In 2021, when the petitioner had been serving as the Director General of Police, there had been reports of his sexually harassing a woman police officer of the rank of Superintendent of Police in his vehicle.

6. This Court, in W.P.No.6591 of 2021 suo motu took the matter up on 01.03.2021 and the petitioner had been charge sheeted. He had been convicted for offences under Section 354A(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and 341 read with 109 IPC by the Chief Judicial Magistrate, Villupuram vide order dated 16.06.2023 in C.C.No.231 of 2021. He filed an appeal before the Principal Sessions Court, Villupuram against the conviction in CrI.A.No.59 of 2023, which was dismissed on 12.02.2024 as against which a Criminal Revision Petition has been filed in CrI.R.C.No.330 of 2024, pending as on date.

7. The petitioner had neither surrendered to the authorities after confirmation of the conviction on 12.02.2024 nor sought bail, but had instead approached this Court by way of a petition seeking suspension of sentence in CrI.M.P.Nos.3067 and 3069 of 2024 in CrI.R.C.No.330 of 2024. That petition



came to be dismissed on 23.04.2024, as against which, a Special Leave Petition had been moved by the petitioner. The Hon'ble Supreme Court vide order dated 17.05.2024 passed in Special Leave to Appeal (Crl.) Nos.7251-7252 of 2024, stated as follows:

- '1. Let the notice be issued to the respondent, returnable on 12.07.2024.*
- 2. In the meantime, the petitioner shall be exempted from surrendering till the next date of hearing'*

8. The above factual background is necessary to appreciate the events wholistically, and come to the aid of the Court in deciding the matter.

9. R6 states that she is the owner of the property in question. The electricity connection to that property admittedly stands in her name. Hence, she made a representation before the official respondents (collectively referred to as 'TANGEDCO') requesting that the service connection may be temporarily disconnected. The authorities promptly complied, the same day. The petitioner, on 21.05.2024, claims to have filed a complaint seeking restoration of electricity connection following due process of law.

10. He alleges that there has been gross abuse of power by R6 as she is presently serving as the Principal Secretary, Energy Department in the Government of Tamil Nadu and hence, according to him, has applied undue pressure on the authorities to further her interests. He disputes her claim of



ownership to the property in question, claiming that it is he who is repaying the EMIs for the expenditure on construction of the house.

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11. The property in question has been settled by R6 in favour of her two daughters, Pooja.K.Kapoor and Sai Suriya Rajesh by way of settlement deed dated 12.10.2023, registered as document No.13169/2023 before the Sub-Registrar, Neelankarai. The request of R6 for disconnection of the connection is supported by e-mails sent by her daughters referring to the settlement of the property in their names, stating that the disconnection of the service connection has been effected at their behest and that they would be applying afresh for the same. The petitioner has not questioned the settlement.

12. According to the petitioner, a loan was obtained in joint names and the petitioner has been remitting the equated monthly instalments of repayment. Statement of accounts have been filed by the petitioner seeking to establish this. Per contra, R6 denies the averments of the petitioner and maintains that the petitioner does not reside in the property in question.

13. In fact, she would state that he had been absconding after the confirmation of conviction on 12.02.2024. This is vehemently objected to by the petitioner who states that he was always residing in that property. However, he admits that he had been staying with his brother and travelling for around a month in April/May of this year to prepare and file a Special Leave Petition before the Hon'ble Supreme Court.



14. On his return to Chennai, he found the property locked by R6. Since he claims co-ownership and that he had been residing there, he admittedly broke open the lock and took possession. An FIR has been filed by R6 before the police authorities on 20.05.2024. Investigation is stated to be on-going.

15. The petitioner also states that the electricity charges in respect of the property have been paid for by him for the 'last 25 years'. R6 points to the fallacy of this statement highlighting that one part of the land was purchased by her vide sale deed dated 04.09.2006 and the remaining was settled on her by her father vide settlement deed dated 03.06.2008. Thus, there is no question of electricity charges having been paid by the petitioner for the last 25 years, as the property has been in their possession only from 2008. R6 thus lays full claim to the property in question and the recitals in the settlement deed executed in favour of her daughters also stand testimony to this position.

16. The petitioner relies on the provisions of Section 43 of the Electricity Act, 2003 (in short 'Act'), which states that every distribution licensee shall, on an application by the owner or occupier of any premises be given supply of electricity to the premises within one month after receiving such application. Stress is laid on the use of the word 'occupier'. In other words, the argument is that even if it were to be taken that the petitioner was not the owner of the premises, he should be taken to be the occupier, duly entitled to the benefit of

Section 43 of the Act.



17. The petitioner relies on the judgment of the Hon'ble Supreme Court, in the case of *Dilip (Dead) through Lrs. V. Satish & Others*¹ in support of the argument that electricity is a basic amenity which a person cannot be deprived of. He also relies on the decision of the Calcutta High Court in the case of *Shri Amalendu Biswas V. The Andaman & Nicobar Administration & Others*² and the Gujarat High Court in the case of *Yogesh Lakhmanbhai Chovatiya V. PGVCL through the Deputy Engineer*³.

18. The aforesaid judgments deal with the entitlement to electricity under Section 43, of an occupier. The petitioner places himself on a higher pedestal as, according to him, he is a co-owner unlike in the cases relied on, where the status of the applicants was only that of an occupier, often in severely disputed circumstances with a rival claimant. The petitioner would also urge that he is not a trespasser as R6 has herself arrayed the property in question as his address in the cause title to the petition seeking divorce. Thus, petitioner prays that this Court must, as Courts normally do, lean in favour of the occupier making it clear that no equities would be created in the interim.

19. Mr.Prakash also submits that the petitioner has cardiac ailments and, all the more, should not be deprived of a basic service such as electricity connection. Medical certificate dated 01.11.2023, issued by Dr.V.V.Bashi,

¹2022 LiveLaw (SC) 570

²2017 SCC OnLine Cal 4387

³2023 SCC OnLineGuj 1086



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Senior Consultant Cardiothoracic Surgeon, SRM Institutes for Medical Science, Chennai, is filed in support of this submission that states that ‘ *This is to certify that Mr.RAJESH DAS, 59- year-old male (UHID:336602) was admitted in this hospital on 23.07.2023. He underwent High risk Off Pump Beating heart Coronary Artery on 24.07.2023 and was discharged on 31.07.2023. He was reviewed by me today for postoperative follow-up. He is complaining of tiredness and lower limb pain on brisk walking. In view of this he is advised to take rest for another 3 weeks and resume normal activities afterwards.* ’.

20. The respondents put forth the defence that the word ‘occupier’ in Section 43 cannot refer to just about any occupier, but only one who is in legal occupation of the premises. In this connection, attention is drawn to the Explanation to Regulation 27(4) of the Tamil Nadu Electricity Distribution Code (in short ‘Code’).

21. That apart, they also rely upon the definition of the word ‘occupier’ in Rule 2(b) of the Works of Licensees Rules, 2006 (in short ‘2006 Rules’), whereunder, an ‘occupier’ of any building or land means a person in lawful occupation of that building or land. Reliance is placed on a decision of the Full Bench of the Calcutta High Court in the case of *Abhimanyu Mazumdar V. The Superintending Engineer and another*⁴

⁴2011 SCC OnLine Cal 362
<https://www.mhc.tn.gov.in/judis>



22. R6 also assails the writ prayer stating that it is contrary to law. The petitioner is not an occupier, and even assuming that he were to be held as one, is not a legal occupier. This Court cannot and should not countenance a plea for relief that is contrary to law. For this purpose reliance is placed on a decision of the Supreme Court in *U.P.State Road Transport Corporation and another*⁵.

23. The above narration captures the rival factual contentions advanced by both parties and the following legal issues arise for my determination:

- (i) Legal implications of the term ‘occupier’/‘occupation’ under Section 43 of the Act and Regulation 27(4) of the Code.
- (ii) Status of the petitioner qua the property in question
- (iii) Maintainability of the writ prayer for a ‘*mandamus directing the 1st to 5th respondents not to disrupt the power supply to the petitioner’s residence at DG Gardens, Koman Nagar, Thaiyur, Kelambakkam, Chennai – 600 103 in respect of service connection no.09577010390 as long as the energy consumption charges are duly paid*’.
- (iv) Whether the couple is to be referred to Mediation.

Issue (i)–Legal implications of the term ‘occupier’ under Section 43 of the Act and Regulation 27(4) of the Code

24. Section 43 of the Act dealing with *Duty to supply on request* states that (1) *Save as otherwise provided in this Act, every distribution licensee,*

⁵(1991) 3 SCC 239
<https://www.mhc.in.gov.in/judis>



shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply.....

25. Regulation 27(4) of the Code states as follows:

27. Requisitions for Supply of Energy: (4). An intending consumer who is not the owner of the premises shall produce a consent letter in FORM-5 of Annexure III to this code from the owner of the premises for availing the supply. If the owner is not available or refuses to give consent letter, the intending consumer shall produce valid proof of his/her being in occupation of the premises and also execute an indemnity bond in FORM-6 of ANNEXURE III to this code indemnifying the licensee against any loss on account of disputes arising out of effecting service connection to the occupant and acceptance to pay security deposit twice the normal rate.

26. The Explanation to Regulation 27(4), inserted vide Notification No.TNERC/DC/8-21 dated 07.10.2014, with effect from 03.12.2014, states as follows:

‘Explanation:- For the purpose of this sub-regulation, the expression “valid proof” means any proof of occupancy such as registered power of attorney or latest rent receipt issued prior to the date of application or lease deed or possession order from appropriate authority or decree or judgment of Courts.’

27. The fact that only a person in lawful occupation of a premises would be entitled to electricity connection is also borne out from the definition of ‘occupier’ in Section 2 (b) of the 2006 Rules.



28. I now discuss the judgements cited at the Bar. The Supreme Court in *Dilip (Dead) through Lrs.*⁶ considered the case of a disputed tenancy. The application for electricity connection in that case had been rejected on the ground that from the inception of the tenancy, the shop had been run only with the light from a petromax lamp and electricity connection had never been provided. It was subsequently given on the basis of a no-objection letter, which was objected to as being fabricated and the signatures forged.

29. In that context, the Supreme Court reiterates that electricity is a basic amenity which a person cannot be deprived of, stating *'Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.'*

30. In the earlier portion of the order, the Bench has specifically stated that it was unnecessary to go into the details of how the ownership devolved on the appellant. The facts in the aforesaid judgment are thus distinguishable from the present case as there is a serious dispute both on the aspects of ownership and occupation in this matter.

31. In *Abhimanyu Mazhumdar*⁷, relied upon by R6, a Full Bench of the Calcutta High Court considered the case of unauthorized occupiers/encroachers

⁶Foot Note Supra (1)

⁷Foot Note Supra (4)
<https://www.mhc.in.gov.in/judis>



and their legal entitlement to file an application under Section 43 claiming status as occupier. The second point considered by them was whether such encroachers have the right to electricity under Article 21 of the Constitution of India bringing the same under 'right to shelter'.

32. Those persons had encroached on Government revenue land. After considering Section 43 of the Act and the 2006 Rules, they conclude that the phrase 'lawful occupier' in the 2006 Rules should be taken to mean the person 'in settled possession.' The first question was thus answered in the affirmative, provided the encroacher was in settled possession of the property. The second question was not answered.

33. The Gujarat High Court in the case of *Yogesh Lakhmanbhai Chovatiya*⁸ and Calcutta High Court in *Shri Amalendu Biswas*⁹ deal with the right of an occupier to electricity connection and the Court proceed solely on the basis of the language in Section 43 of the Act, concluding that the occupants would be entitled to such supply. There is no reference to other relevant Regulations and Rules.

34. The Full Bench of the Calcutta High Court in the case of *Abhimanyu Mazumdar*¹⁰ has dealt with Section 43 of the Act and the import of the phrase 'Occupier' under Section 2(b) of the 2006 Rules. The Bench observes interpreting the term 'occupier' as one with perfect legal title to occupy would

⁸Foot Note Supra (3)

⁹ Foot Note Supra (2)

¹⁰Foot Note supra (4)



cause difficulties even for those occupants who are in legitimate occupation of the property. Hence, it is unnecessary to insist, in every case, that an occupier produce a decree from the Civil Court declaring his occupation as lawful.

35. The Bench refers to the observations of the Hon'ble Supreme Court in *Rame Gowda (D) by Lrs. v. M.Varadappa naidu (D) by Lrs.*¹¹, reading thus:

‘.....If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law; he cannot take the law in his own hands and evict the trespasser or interfere with his possession. The law will come to the aid of a person in peaceful and settled possession by injuncting even a rightful owner from using force or taking law in his own hands, and also by restoring him in possession even from the rightful owner (of course subject to the law of limitation, if the latter has dispossessed the prior possessor by use of force.....’

It is the settled possession or effective possession of a person without title which would entitle him to protect his possession even as against the true owner.....’

Hence, the term 'occupier' would include, within its ambit a person in 'settled possession'.

36. In view of the above discussion, a person in lawful possession of a property, even if disputed, would be entitled to electricity service connection if he satisfies the authorities that he possesses sufficient and valid *proof of occupation of that premises*, and is in *settled possession* of the property. This answers Issue (i).

¹¹ AIR 2004 SC 4609
<https://www.mhc.in.gov.in/judis>



37. Issue (ii) Status of the petitioner qua the property in question

I now advert to issue (ii), as to whether the petitioner holds proof of occupation and was in settled possession of the property in question. This is a question of fact and a severely disputed one at that. It is an issue for the authorities to examine, weigh and decide. However, as detailed submissions have been made, and material placed to enable me to come to a prima facie conclusion in regard to this aspect, in the interests of completion, I render the following observations. It is reiterated that the observations are, prima facie in nature and based upon that materials that I had had the benefit of, as elaborated in the paragraphs to follow.

38. The question is two-fold (i) whether the petitioner can claim the benefit of Regulation 27(4) of the Code read with Explanation thereto, and holds sufficient proof of residence (ii) whether he can be said to be in settled possession of the property in question.

39. The case of the petitioner is that he is a co-owner of the property in question. Loan sanction letter dated 18.09.2015 reveals that the loan has been availed in joint names of the petitioner and R6. The loan is availed under the ‘Woman Power’ scheme floated by HDFC Bank and the borrowers are entitled to a special rate of interest. Condition 1 under Special conditions states that repayment of the loan in equated monthly instalments will be from Savings

Bank Account No.10067593486 with the State Bank of India. The bank



statements filed by the petitioner are of A/c.No.10067593486 (Savings Bank account – State Bank of India) and 616201133 (loan account number – HDFC Bank).

40. There have been serious disputes in regard to the ownership of the property in question. A query had been posed as to whether the petitioner owned any alternate property to which he may consider shifting till such time the present difficulties are addressed and resolved. The petitioner does own an apartment in Nungambakkam, but it had been his specific submission that it was under lease and the rentals were being deposited into the bank account of R6. R6 had disputed the aforesaid statements.

41. On the question of ‘settled possession’ as well, there were disputes. It was the petitioner’s submission that he was not only the owner but also regularly residing in the property in question. On the other hand, it was the case of R6 that she was the owner of the property in question and the petitioner was an absconder, who did not reside in that property. There were thus, serious differences in their respective stands and hence, the Court felt the necessity for some assistance to ascertain which of the statements was factually correct.

42. The Court had, on 03.06.2024 passed the following order:

After hearing the detailed submissions of the learned senior counsel for all parties, the matter is reserved for orders. In the course of the hearing, there have been conflicting factual projections in regard to the following two properties:



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(i) No.603, Deepa Block, Chitra Apartments, Choolaimedu High Road, Nungambakkam, Chennai – 600 094.

(ii) DG Gardens, No.46, Thaiyur Village, Chengalpet Taluk, Old Kancheepuram District, now Chengalpet District.

2. As regards property (i) while the petitioner states that it is tenanted and that the rent is being deposited into the account of R6, R6 states that the property stands vacant.

3. As regards property (ii), while the petitioner states that he is in possession, and resident therein, R6 would dispute that position.

4. To ascertain the proper factual position, Ms.M.Fathima, Joint Registrar (RTI) will visit both places this evening/tomorrow morning itself and file a report to the Court. The scope of the assignment has been explained to her in full.

5. The Registrar General will nominate Mr..Ravi, Deputy Registrar (Admn III) and Mr.Justin Raj, Additional Deputy Superintendent of Police to accompany Ms.Fathima.

6. Report be filed by end of day on 05.06.2024.

43. The team that was deputed to cause enquiry has filed a report. To be noted, this Court constituted a team comprising officials of this Court in preference to an Advocate Commissioner, for two reasons. One, was bearing in mind the issues at hand and nature of the matter in question, and secondly, with a view not to burden the parties with the costs of such enquiry. The report of the team has been very instructive and this Court thanks the officials for their diligence and efforts. The report along with the enclosures are handed over to the Registrar (Judicial) to be kept in a sealed cover.

44. The property at No.603, Deepa Block, Chitra Apartments, Choolaimedu High Road, Nungambakkam, Chennai – 600 094 will hence forth



be referred to as 'Nungambakkam property'. The team had conducted a thorough investigation including enquiry with the residents Association as well as with the neighbours.

45. All enquiries have confirmed unambiguously that the property has not been in use for the past several years and is being kept locked. There are arrears of maintenance charges as well as electricity dues, on account of which electricity connection has been terminated. The following documents have been placed on record by the team deputed which confirm the above position.

- i) Letter dated 04.06.2024 of Mr.N.Muthuraman, Jt. Secretary, Chitra Avenue Flat Owners' Welfare Association, Jayam Block, Ground Floor, Chitra Avenue, 9 Choolaimedu High Road, Chennai – 600 094.
- ii) Copy of the Bye laws of the Chitra Avenue Flat Owners Welfare Association
- iii) Total outstanding Maintenance Monthly charges
- iv) Last payment of Monthly Maintenance Charges
- v) Statement of Defaults in monthly Maintenance Charges
- vi) Copy of order dated 21.08.2019 passed in C.R.P.(PD) No.2716 of 2019

46. Hence, the statement of the petitioner in regard to the tenancy of the Nungambakkam property has been found to be false. His statement that he has no other property to reside in presently is found to be incorrect as the Nungambakkam property is available, subject to settlement of statutory and other dues. This Court is unaware of whether there has been any challenge to the imposition of the outstanding dues/charges. In any event, I find no reason to



pursue that line of discussion any further in the light of the limited prayer raised in this writ petition.

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47. As regards the property in question, the petitioner was in the property at the time of their visit and anticipating the same. There were some signs of the property being in use currently as food items and groceries were seen. The team reports, based on their enquiry, that police personnel had been stationed in the property in question on and off over the last few years.

48. Since the petitioner had held a senior position in the police force, his official address would itself have been a pointer as to his place of residence. However, no clear picture emerges in this regard. For instance, in the petition seeking divorce, R6 has herself arrayed the petitioner as residing in the property in question. In the petition filed seeking suspension of sentence, the petitioner has himself used the address of the property at 19, Raja Street, Kalyani Nagar Kottivakkam, Chennai – 41 (in short ‘Kottivakkam property’). The Aadhar card of the petitioner contains the address of the Kottivakkam property.

49. Prima facie, it appears that prior to the incident of sexual harassment in 2021, the petitioner, R6 and their family were residing in the Kottivakkam property. At that time, the property in question was being used on and off, perhaps as a weekend getaway or for the purposes of entertaining. It was only after the incident in 2021 that the petitioner appears might have moved to the property in question. The exact period of his stay there is unknown. O.P.No.16



of 2024 was instituted on 21.12.2023 before the Sub-Court, Alandur by R6 seeking dissolution of the marriage.

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50. It is in the context of the above narration of the facts that the status of the petitioner as an ‘occupier’ must be decided. The question is, how ‘settled’ an occupier should be, in order for the occupation to be deemed legally acceptable. This poses substantial difficulty, all the more in a case such as the present where the dispute is between a couple. To decide this issue would require the marshalling of several facts such as the period of stay and examination of relevant documents. This is beyond the ken of this Court exercising jurisdiction under Article 226 of the Constitution of India, and I suspect, even the authorities. It is a question to be decided by a competent Court alone. This answers Issue (ii).

51. Issue (iii): Maintainability of the writ prayer for a ‘mandamus directing the 1st to 5th respondents not to disrupt the power supply to the petitioner’s residence at DG Gardens, Koman Nagar, Thaiyur, Kelambakkam, Chennai – 600 103 in respect of service connection no.09577010390 as long as the energy consumption charges are duly paid’

Serious objections have been raised to the maintainability of the prayer. The respondents argue that mandamus cannot be sustained, seeing as no application has been made seeking electricity connection. That apart, there being no documents furnished by the petitioner to establish his legal ownership and hence there is no basis for the call for mandamus.



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52. The termination was carried out at the instance of R6 in whose name the connection stands. The petitioner is not a consumer for this service connection and the request for mandamus cannot be sustained.

53. The petitioner has made an application on 21.05.2024 raising several grievances as against the termination of electricity connection. He concludes the letter, seeking restoration of the connection by following due process of law.

54. There is no acknowledgement of receipt of that letter by the respondents. In the counter filed by R5 on behalf of R1 to R5, there is no reference to letter dated 21.05.2024 or any request from the petitioner. More importantly, in the compilation of documents filed along with the Writ affidavit, letter dated 21.05.2024 is placed at pages 42 to 45. Page 45 contains several stand-alone paragraphs ending with a signature and the date 20.05.2024. There are differences between the contents of the letter and the contents of page 45 and it is unknown as to which version, if any, has been submitted.

55. The contents of page 45 are incomplete and they align, roughly, with the contents of paragraphs 5 and 12 of letter dated 21.05.2024. There is also a discrepancy in the dates, as the date at page 42 states '21.05.2024' but the date below the signature at page 45 is '20.05.2024'. These facts, coupled with the lack of acknowledgement for filing the request would lead me to conclude that there is no representation or request for restoration of supply, pending before the respondents.



56. Both on account of the absence of a request and in light of my conclusions on Issues (i) and (ii), no mandamus can be issued as prayed for.

This answers Issue (iii), adverse to the petitioner.

57. Issue (iv) Whether the couple is to be referred to Mediation.

In the hearing held on 03.06.2024, Mr.Prakash, on instructions from Mr.Gokul, learned counsel on record for the petitioner and the petitioner, had stated that the petitioner did not intend to contest the divorce and that the division of assets between the parties may be referred to mediation by Mr.Sriram Panchu, Senior Advocate. Mr.Wilson, on instructions from Mr.Richardson Wilson and R6 stated that R6 has no objection to such reference.

58. In additional affidavit dated 04.06.2024, the petitioner states, at paragraph 3, as follows:

3. It is submitted that I am willing for mediation and in fact my counsel has ascertained with Mr.Sriram Panchu, Senior Advocate as to his willingness to mediate if the disputes between us relating to the property is referred for mediation. My counsel has informed that Learned Senior Counsel Mr.Sriram Panchu has given his consent for mediation. Accordingly, I am placing the same on record.

59. There is no specific undertaking that the petitioner does not contest the divorce proceedings instituted by R6 in O.P.No.16 of 2024 on 21.12.2023 before Sub-Court, Alandur. R6 is hence unwilling for a reference to mediation.

Since there is no meeting of minds, I decline to refer this matter to mediation. I



hasten to add that this avenue is always available to the parties should they be inclined to avail the benefit of the same at a later point in time. Issue (iv) is so answered.

60. The prayer for mandamus is rejected and the issues arising in this matter are disposed in terms of this order. Disposed, with no order as to costs. Connected Miscellaneous Petition is closed.

11.06.2024

Index : Yes / No
Speaking Order: Yes/No
Neutral citation: Yes/No
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To

1. The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
Rep. by its Managing Director,
NPKRR Maaligai, 144 Anna Salai,
Chennai – 600 002.
2. Superintending Engineer,
TANGEDCO, No.130, GST Road,
Chengalpet – 603 001.
3. Executive Engineer,
TANGEDCO, No.130, GST Road,
Chengalpet – 603 001.
4. Assistant Engineer,
TANGEDCO,
33 KV SS Complex,
Gangaiamman Koil Street,



Sathankuppam, Kelambakkam,
Chengalpet – 603 103.

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