



W.P.No.26676 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26676 of 2024

G.Muthukumar

...Petitioner

Vs.

1. The Assistant Engineer,
Tamilnadu Electricity Board,
Selaiyur Office,
Selaiyur, Chengalpattu District.

2. Muruga Perumal

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the petitioner representation dated 29.07.2024 within a reasonable period as may be fixed by this Hon'ble court and restore the electricity connection in electricity card no.092567536.

For Petitioner : Mr.P.Sam Japa Singh

For Respondents : Mr.L.Jaivenkatesh, for R1



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ORDER

WEB COPY This Writ petition has been filed seeking direction to the 1st respondent to consider the petitioner's representation dated 29.07.2024 and to consequently restore the electricity connection in Card No.092567536.

2. Mr.L.Jaivenkatesh, learned counsel, takes notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. The case of the petitioner is that, the petitioner is the tenant in respect of Shop No.5, Hassan Colony, Complex, Selaiyur, Chennai, owned by the 2nd respondent and the 2nd respondent's mother namely Kamala is the one who executed a rental agreement in favour of the petitioner and the petitioner was induced into tenancy on 02.06.2008 for monthly rent of Rs.2,500/- on payment of advance of Rs.2,00,000/- and subsequently, the



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rent was increased to Rs.5,000/- per month and the advance amount was also increased to Rs.4,00,000/- and the petitioner is paying the monthly rent and the electricity charges without any default. While so, from June 2024, for the reasons best known to him, the 2nd respondent refused to receive the rental amount from the petitioner and all of a sudden, the 2nd respondent broke open the petitioner's shop and disconnected the electricity connection, and threatened the petitioner with dire consequences. Pursuant to which, the petitioner made a complaint before the law enforcing agency and thereafter, he also sent a representation dated 29.07.2024 to the 1st respondent, seeking to restore the electricity connection in Card No.092567536 in the petitioner's shop, which evoked no response. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 29.07.2027 and to consequently restore the electricity connection in Card No.092567536 in the petitioner shop.



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6. Learned counsel appearing for the 1st respondent submitted that, the infused meter is intact and the out-phase is disconnected by the 2nd respondent, due to some personal enmity in between the petitioner and the 2nd respondent, in which and the electricity board has no role for restoration of electricity connection.

7. In view of the aforesaid submissions, as the issue involved in the present case is purely a civil dispute in between the petitioner and the 2nd respondent, the same cannot be entertained under Article 226 of the Constitution, and thereby, this Court, without going into the merits of the case, while dismissing this Writ petition, grants liberty to the petitioner to file appropriate suit before the jurisdictional Civil Court against the 2nd respondent and workout his remedy in the manner known to law.

8. Accordingly, this Writ petition stands dismissed. No costs.

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skt

NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No

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WEB COPY To

The Assistant Engineer,
Tamilnadu Electricity Board,
Selaiyur Office,
Selaiyur, Chengalpattu District.



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M.DHANDAPANI, J.

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