



W.P.(MD).No.9152 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.9152 of 2023

Suriyadeepan

... Petitioner

VS.

1.The Additional Executive Engineer,
TANGEDCO,
Near Manimandapam,
Pudukottai Road,
Thanjavur.

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

3.Selvaraj

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to provide electricity connection in S.No.202/5, situated at Mathakottai, Nanjikottai Taluk, Thanjavur District, on the basis of the



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application dated 27.03.2023, by considering the petitioner's representation, dated 05.04.2023.

For Petitioner : Mr.G.Karnan
For R1 and R2 : Mr.S.Deena Dhayalan
Standing counsel
For R3 : Mr.A.Senthil Kumar

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to provide electricity connection in S.No.202/5, situated at Mathakottai, Nanjikottai Taluk, Thanjavur District, on the basis of the application dated 27.03.2023, by considering the petitioner's representation, dated 05.04.2023.

2. According to the petitioner, he along with his cousin entered into a lease agreement for a period of 13 years with the third respondent by written agreement dated 01.01.2016, by fixing a sum of Rs.5,000/- as monthly rent. Thereafter, he had put up a small thatched shed and started



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a small tiffin centre and regularly paying the rent to the third respondent.

While so, the third respondent trying to disturb his possession. Hence, he filed a suit in O.S.No.81 of 2021 before the Principal District Munsif Court, Thanjavur and the same is still pending. The third respondent filed a petition in R.L.T.O.P.No.14 of 2021 before the Additional District Munsif Court, Thanjavur for arrears of rent and eviction and the same was dismissed on 13.02.2023. Before the said agreement, the petitioner's uncle entered into an agreement with the third respondent on 25.03.2015, for the remaining vacant land in the same premises. The petitioner has taken an electricity line to his thatched shed from his uncle's service connection. Hence, his uncle's service connection was disconnected by the second respondent. Therefore, his uncle filed a writ petition in W.P. (MD).No.15784 of 2022. This Court, by order order 11.01.2023, allowed the writ petition and the electricity connected was restored. At the time of final hearing, this Court directed the petitioner's uncle to get a new service connection for the petitioner's thatched shed. Hence, the petitioner has paid the entire arrears to the third respondent and made an application on 27.03.2023, through online before the respondents 1 and 2



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for new electricity service connection. But the second respondent has not given any electricity connection to the petitioner. Therefore, he has sent a representation to the respondents 1 and 2 on 05.04.2023, for taking necessary action to provide electricity connection to his premise. Since the said representation has not been considered, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the third respondent would submit that the original agreement of tenancy entered upon on 01.01.2016, for a period of three years with Rs.5,000/- rent and advance of Rs.25,000/-.

4. On perusal of the records, it is seen that there is no lease agreement in existence after a period of three years from 01.01.2016 onwards. There is a dispute between the parties and the civil suit filed by the petitioner is also pending. The third respondent filed a petition in R.L.T.O.P.No.14 of 2021 before the Additional District Munsif Court, Thanjavur and the same was dismissed on 13.02.2023.



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5. According to the land owner/third respondent, he is not intending to extend the lease period and he has objection for providing electricity connection to the petitioner. Further, the petitioner had default in paying the rent and there was an arrear and the same has been settled by him after the intervention of the Court. Now, the petitioner seeks for passing of an order directing the respondents 1 and 2 to provide electricity connection to the above said land. According to the land owner/third respondent, the petitioner is not the owner of the land and the third respondent being the land owner and he is not willing to give any no objection for providing electricity connection and the petitioner is only a tenant and he cannot seek electricity connection as a matter of right.

6. In the light of the above, the petitioner and the third respondent are hereby directed to proceed with the suit in O.S.No.81 of 2021, which is pending before the Principal District Munsif Court, Thanjavur and then decide the issue. Till such time, the petitioner can seek for a new electricity connection before the respondents 1 and 2 and they can provide electricity connection, if he satisfies all the conditions.

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7. With the above directions, this Writ Petition is disposed of. No costs.

08.01.2024

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

akv

To

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Thanjavur.

2.The Assistant Executive Engineer,
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V.BHAVANI SUBBAROYAN,J.

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