

(2013) 09 MAD CK 0051

In the Madras High Court

Case No : Writ Petition No. 21216 of 2005

Dr. K. Abdul Muneer

APPELLANT

Vs

The Chairman, The Executive Engineer (O and M) and The
Area Engineer

RESPONDENT

Date of Decision : 20-09-2013

Acts Referred:

Citation : (2013) 09 MAD CK 0051

Hon'ble Judges : K. Ravichandrabaabu, J

Bench : Single Bench

Advocate : R. Narendran, for the Appellant; S. Raameshvar, for the Respondent

Final Decision : Dismissed

Judgement

K. Ravichandrabaabu, J.—The prayer in this writ petition is as follows:

The petitioner herein is seeking for a mandamus to direct the respondents herein to disconnect the electricity service connection standing in the

name of the petitioner in Area No. 17.13.319 and Consumer No. 62036105 in respect of the Ground Floor Portion of the premises bearing No.

1, Pensioners III Lane, Old Washermenpet, Chennai-21.

The case of the petitioner is as follows:

He is the owner of the premises bearing Door No. 1, Pensioners III Lane, Old Washermenpet, Chennai-21. The said property consists of ground

and three floors. The petitioner has separate and independent electricity connection to each floor. The ground floor portion was rented out to one

Abdul Rahman. He was irregular in payment of monthly electricity consumption charges. The lease period also expired on 25.11.2004. He filed a

suit in O.S. No. 163 of 2005 before the City Civil Court, Chennai for eviction and

the same was pending. The respondents disconnected the electricity of the ground floor portion for non payment of the consumption charges for the period from August 2004 to September 2004. The petitioner made a representation to disconnect the electricity connection through his communication dated 16.09.2004. However, the second respondent reconnected the service connection inspite of the petitioner's representation. Therefore, the present writ petition is filed seeking the relief as stated supra.

2. Heard both sides.

3. In my considered view, first of all, the relief sought for in this writ petition cannot be granted in view of the fact that provision of electricity connection to the tenant is a basic amenity, which the petitioner being the landlord cannot be denied to the tenant. If there is any dispute with regard to the payment of the electricity charges by the department, he has to work out his remedy as against the tenant by filing appropriate legal proceedings. However, he cannot deny the basic amenity such as electricity or water to the tenant. In any event, the petitioner is seeking the relief totally against the interest of the so called tenant Abdul Rahman. The said person was not made as a party in this writ petition. Therefore, in my considered view, the relief sought for in this writ petition is not at all maintainable not only on the reason that it is against the principles of providing basic amenities to the tenant and also on the reason that the writ petition is liable to be rejected for non joinder of necessary parties. Hence, the writ petition is dismissed. No costs.