

GAHC010184292023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4895/2023

MAYANGLAMBAM SANAYAIMA SINGH
S/O M. IBOBI SINGH, R/O H. NO. 7, DAKHINGAON, UDAINAGAR,
KAHILIPARA, GUWAHATI-19

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, POWER (ELECTRICITY) DEPTT., DISPUR, GUWAHATI-6

2:THE ASSAM POWER DISTRIBUTION COMPANY LTD.
REPRESENTED BY THE CHAIRMAN
APDCL
BIJULEE BHAWAN
GUWAHATI-1

3:THE CHIEF ENGINEER
ASSAM POWER DISTRIBUTION CO. LTD.
GUWAHATI-1

4:THE DY. GENERAL MANAGAER (LAW) SIPO
OFFICE OF THE MANAGING DIRECTOR
APDCL
GUWAHATI-1

5:THE SUB-DIVISIONAL ENGINEER
CAPITAL ELECTRICAL SUB-DIVISION
DISPUR
GUWAHATI-781006

6:LAISHRAM ROJITA CHANU
W/O MR. RAMESH MEETEI
H.NO. 69 MOIRANGKAMPU
MAYAI LEIKAI

DIST-IMPHAL EAST
MANIPUR
PIN-795005

7:LAISRAM ROMILA CHANU
D/O L. IBO SINGH
MOIRANGKAMPU
MAYAI LEIKAI
DIST- IMPHAL EAST
MANIPUR
PIN-79500

Advocate for the Petitioner : MR. R M CHOUDHURY

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 28-08-2023

Heard Mr. R.M. Choudhury, learned counsel for the petitioner; Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the respondent no. 1; and Mr. R. Bora, learned counsel appearing for the respondent APDCL.

2. The petitioner has stated that he and the respondent no. 6 had purchased a plot of land, measuring 1 Katha, covered by Dag no. 192, located at Village – Dakshingaon, Kahilipara, Mouza – Beltola [the subject-land, for short] by way of a registered sale deed dated 27.02.2013 from its erstwhile owner at a consideration of ₹ 4,00,000/-. The petitioner has claimed that he had paid a part of the consideration amount, mentioned in the sale deed. The petitioner has further claimed that he had applied for a domestic electricity connection in respect of a house standing on the subject-land in the name of his sister-in-law i.e. the respondent no. 6 in the year 2013 and an electricity connection bearing Consumer no. 010000019347 was given by the respondent APDCL authorities. The bills generated from time to time against the said electricity connection by the respondent APDCL authorities were paid by the petitioner. The petitioner has come to learn that the respondent no. 6 had

clandestinely transferred the electricity connection in the name of the respondent no. 7, who is incidentally the wife of the petitioner. The petitioner has instituted the writ petition seeking *inter alia* a writ in the nature of certiorari for setting aside an Order dated 24.04.2023 passed by the respondent no. 5 and also in a writ in the nature of mandamus directing the respondent APDCL authorities to correct the name of the consumer in the electricity connection bearing Consumer no. 010000019347 in the name of the respondent no. 6, by deleting the name to the respondent no. 7.

3. A perusal of the registered sale deed, annexed as Annexure-I to the writ petition, goes to indicate that the subject-land was purchased by the respondent no. 6. The name of the petitioner is not reflected in the said registered sale deed as a purchaser of the subject-land. The petitioner has not annexed any other document to establish *prima facie* that he has some ownership right in respect of the subject-land. The electricity connection in respect of which the writ petition has been preferred, was given in relation to a house standing on the subject-land and stood in the name of the respondent no. 6, who is the registered purchaser/owner of the subject-land. The cause of grievance for the petitioner is that the electricity connection bearing Consumer no. 010000019347 was earlier stood in the name of the respondent no. 6, the registered purchaser/owner of the subject-land and the respondent APDCL authorities had transferred the said electricity connection in the name of the respondent no. 7, who is incidentally the wife of the petitioner, without following due procedure. To invoke the public law remedy under Article 226 of the Constitution of India, more particularly, to ask for a writ of certiorari as well as a writ in the nature of mandamus, a person must have a legal right in respect of the subject-matter and there has to be corresponding legal obligation on the part of the State or its instrumentalities. The petitioner has not been able to show *prima facie* that he has any legal right in respect of the subject-land as well as in respect of the electricity connection provided to the house of standing on the subject-land. Conspicuously, the respondent no. 6 whose name has been allegedly changed in respect of the electricity connection, has not approached the Court. As the petitioner has not been able to show any cause of action *prima facie*, this writ petition is found to be devoid of any merit. As such, this Court does not find any good and sufficient ground to entertain the writ petition. Accordingly, the same is not entertained. It is, however, open for the petitioner to resort to any other

remedy available to him, if any, under the law.

JUDGE

Comparing Assistant