

Court No. - 40

Case :- WRIT - C No. - 21335 of 2023

Petitioner :- Anisur Rehman

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Muktesh Kumar Singh

Counsel for Respondent :- C.S.C.,Alok Mishra,Syed Fahim Ahmed

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard Shri Muktesh Kumar Singh, learned counsel for the petitioner; Shri Ambrish Shukla, learned Addl. Chief Standing Counsel for State respondents; Shri Alok Mishra for respondent nos.2, 3 and 4 (Electricity Department) and Shri Syed Fahim Ahmed for respondent no.5.

2. Present writ petition has been preferred for following reliefs:-

"(I) Issue a writ, order or direction in the nature of certiorari quashing the impugned communication letter dated 16.5.2023 issued by the respondent no.4 (Sub Divisional Officer-Ist, Electricity Urban Distribution Sub Division-Ist, Ghantaghar, Aligarh).

"(II) Issue a writ, order or direction in the nature of mandamus directing to the respondent no.3 and 4 to grant new electricity connection to the petitioner without requiring NOC from the petitioner."

3. On the matter being taken up on 25.9.2023, Shri Syed Fahim Ahmed, learned counsel for the contesting respondent no.5 has stated that the parties are inclined to settle the matter out of the Court and as such the matter was adjourned. Today, when the matter is taken up, learned counsel for the petitioner has filed supplementary affidavit dated 16.10.2023 bringing on record the joint affidavit of the parties dated 3.10.2023 annexed as Annexure No.SA-1, wherein this much is contended that the parties have settled their dispute amicably and the contesting respondent has no objection, in case fresh electricity connection is provided to the petitioner. It is submitted that the said joint affidavit may be considered as NOC by the department concerned for providing new electricity connection. A copy of the said supplementary affidavit has also been provided to learned counsel for Electricity Department.

4. The aforesaid factual aspect has not been disputed by learned counsel for respondent no.5.

5. Learned counsel for Electricity Department fairly states that

once the parties have already settled their dispute and an appropriate affidavit has also been filed, therefore, some breathing time may be accorded so that the department may process the application of the petitioner.

6. Considering the fact and circumstances of the case, without expressing any opinion on merits of the issue and with the consent, the writ petition stands **disposed of** asking the Executive Engineer concerned to take a final call in the matter as per law but certainly on the basis of joint affidavit, which is brought on record as Annexure No.SA-1 to the aforesaid supplementary affidavit preferably within one week.

Order Date :- 27.10.2023

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