

Court No. - 40

Case :- WRIT - C No. - 32008 of 2023

Petitioner :- Gulzari Lal Saini And 2 Others

Respondent :- The Superintending Engineer, Urban Electricity Distribution Division And 3 Others

Counsel for Petitioner :- Anupam Kulshreshtha

Counsel for Respondent :- Baleshwar Chaturvedi, Sachin Mishra

WITH

Case :- WRIT - C No. - 35678 of 2023

Petitioner :- Chairman U.P. Power Corporation Ltd. And 4 Others

Respondent :- Permanent Lok Adalat Mathura And 3 Others

Counsel for Petitioner :- Baleshwar Chaturvedi

Counsel for Respondent :- Anupam Kulshreshtha

WITH

Case :- WRIT - C No. - 31033 of 2023

Petitioner :- Pawan Kumar Bansal And 2 Others

Respondent :- Permanent Lok Adalat District Mathura And 8 Others

Counsel for Petitioner :- Anshul Kumar Singhal

Counsel for Respondent :- Baleshwar Chaturvedi, Anupam Kulshreshtha, Krishna Agarawal

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsels for the parties in respective writ petitions.
2. On 06.11.2023, the court has passed a detailed order. The same is reproduced hereinunder:

"1. Heard Mr. Anupam Kulshreshtha, learned counsel for the petitioners and Mr. Sachin Mishra, learned counsel for the Dakshinachal Vidyut Vitran Nigam Ltd.-respondent no.1.

2. By means of the instant petition, petitioner has prayed for following principal relief:-

"(i) To issue a writ, order or direction in the nature of Mandamus commanding the respondent nos.1 to 4 to restore or re-connect the electricity connection of the petitioners, bearing electricity connection no.2314793000 (old connection no.15813), Mathura Cantonment, Mathura, at the earliest (if possible, with immediate effect) pursuant to the judgment & order passed by the Permanent Lok Adalat, Mathura dated 02.08.2023 in Case No.27 of 2023 ; Gulzari Lal Saini & 2 Others Vs. Chairman, U.P. Power Corporation Limited & 4 Others: (Annexure no. -1 to the writ petition)."

3. At the very outset, Mr. Sachin Mishra, learned counsel for the Dakshinachal Vidyut Vitran Nigam Ltd.-respondent no.1 raised a preliminary objection

regarding the maintainability of the instant petition by submitting that the judgment and order passed by Permanent Lok Adalat, Mathura dated 02.08.2023 in Case No.27 of 2023 (Gulzari Lal Saini & 2 Others Vs. Chairman, U.P. Power Corporation Limited & 4 Others) is the subject matter of challenge made in the writ petitions preferred by the respondent-Authority in WRIT C No.35678 of 2023 (Chairman U.P. Power Corporation Ltd And 4 Others Vs. Permanent Lok Adalat Mathura And 3 Others) and in another writ petition being WRIT C No.31003 of 2023 (Pawan Kumar Bansal And 2 others Vs. Permanent Lok Adalat District Mathura And 8 Others) preferred by the owner of the premises and the same are still pending consideration before the learned Single Judge. He next submits that the relief as has been prayed for cannot be accorded in the light of the judgment and order dated 20.12.2016 passed by a coordinate Bench of this Court in WRIT - C No. - 11612 of 2015 (Dakshinanchal Vidyut Vitran Nigam Ltd. Vs. Permanent Lok Adalat and another), wherein the Division Bench has considered the judgment passed by the Apex Court in Bar Council of India Vs. Union of India reported in (2012) 8 SCC 243 and the same is also relied by Mr. Anupam Kulshreshtha, learned counsel for the petitioners.

4. When confronted with above, learned counsel for the petitioners submit that all the matters are to be heard together.

5. Let the matter be placed before Hon'ble The Chief Justice for appropriate orders.

6. List this matter on 23.11.2023."

3. Thereafter, again the above noted writ petitions were heard on 23.11.2023 and the court had proceeded to pass a detailed order and we had directed the Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd. to file response by means of his personal affidavit indicating therein that on which date he had authorized the Sub Divisional Officer, Electricity Urban Distribution Sub Division, Cantt., Mathura to file the Writ-C No.35678/2023. In response thereof, a detailed affidavit dated 05.12.2023 has been filed by the Managing Director, Dakshinanchal Vidyut Vitran Nigam Limited, Agra in Writ-C No.35678 of 2023. In the affidavit, it is averred by the deponent that once the order dated 23.11.2023 was brought into his notice, he immediately issued a show cause notice dated 30.11.2023 to the fourth and fifth petitioners of Writ-C No.35678 of 2023, i.e. Executive Engineer and Sub Divisional Officer respectively, directing them to appear along with relevant records on 30.11.2023 at 11:00 A.M. It is also informed that in spite of the notice, they did not turn up with any explanation. A categorical statement of fact has been given in the affidavit wherein it is disclosed that at no point of time, the Executive Engineer of the Department was ever given any authorization on behalf of the Managing Director, Dakshinanchal Vidyut Vitran Nigam Limited, Agra for filing the Writ-C No.35678 of 2023. Accordingly, a show cause notice was given and a charge sheet has also been served upon the Sub-Divisional Officer framing two charges and he has also been transferred.

Order on WRIT - C No. - 32008 of 2023:-

4. In view of personal affidavit dated 05.12.2023 filed by the Managing Director, Dakshinanchal Vidyut Vitran Nigam Limited, Agra in Writ-C

No.35678 of 2023, Sri Balwshwar Chaturvedi, learned counsel for the contesting respondents states that remedial measures in response to the order dated 23.11.2023 have already been taken and so far as the grievance of the petitioners is concerned, the same is already redressed by the contesting respondents by restoring their electricity connections.

5. Sri Anupam Kulshreshtha, learned counsel for the petitioners states that grievance of the petitioners has been redressed.

6. In view of the aforesaid, no cause of action now survives in this writ petition as grievance of the petitioners has already been redressed rendering the writ petition infructuous. Accordingly, the writ petition is **dismissed as infructuous**.

Order on WRIT - C No. - 35678 of 2023:-

7. Personal affidavit dated 05.12.2023 filed by the Managing Director, Dakshinanchal Vidyut Vitran Nigam Limited, Agra, is taken on record.

8. This writ petition is preferred for the following principal relief:

"I. A writ order or direction in the nature of certiorari quashing the impugned order dated 2.8.2023 passed by the Respondent No.1 i.e. Permanent Lok Adalat, District Mathura in P.L.A. Suit No.27 of 2023 [Gulzari Lal Saini and Others vs. Chairman, U.P. Power Corporation Ltd., Lucknow and others]."

9. Sri Baleshwar Chaturvedi, learned counsel for the petitioners states that the petitioners do not want to press the writ petition and the same may be dismissed as not pressed.

10. Accordingly, the writ petition is **dismissed as not pressed**.

Order on WRIT - C No. - 31033 of 2023:-

11. This writ petition is preferred for the following principal relief:

"(i) Issue a writ order or direction in the nature of Certiorari quashing the Impugned orders dated 07.07.2023 and 02.08.2023 passed by Permanent Lok Adalat, Mathura in Case No.27 of 2023 (Guljari Lal Saini and others Versus Chairman, U.P.P.C.L.)"

12. By the impugned order dated 07.07.2023, petitioners' impleadment application was rejected on the ground that the petitioners are third party/stranger to the proceedings and therefore they are not the necessary party and by the impugned order dated 02.08.2023, Permanent Lok Adalat, Mathura directed the electricity department to restore the electricity connection No.012813 upon production of death certificate of Panna Lal. Aggrieved with these two orders, petitioners have preferred this writ petition.

13. Learned counsel for the petitioners states that petitioners' impleadment application was wrongly rejected as they are necessary parties and they must have been heard before passing the impugned orders. In the absence of the same,

impugned orders are violative of principles of natural justice.

14. Considering the facts and circumstances of the case, we deem it appropriate that petitioners must have been heard before passing the impugned orders. Accordingly, the matter is relegated to the Permanent Lok Adalat, District Mathura to decide the matter as fresh, after giving opportunity of hearing to all the stakeholders.

15. With the aforesaid observations, the writ petition is **disposed of**.

Order Date :- 5.12.2023

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