

Court No. - 40

Case :- WRIT - C No. - 34661 of 2023

Petitioner :- Aamreen

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bashisth Narain Pandey, Dan Bahadur

Counsel for Respondent :- G.A., Narendra Kumar Tiwari

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner, learned counsel for the Electricity Department and perused the record.

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

"(i) To issue writ, order or direction in the nature of mandamus directing the authority concerned to consider the grievances of the petitioner and provide domestic electricity connection to the petitioner according to law.

(ii) To issue any other suitable order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(iii) award the cost of this writ petition in favour of the petitioner."

3. At the very outset, learned counsel for the Electricity Department raised a preliminary objection regarding the maintainability of the instant petition by submitting that final assessment proceedings have already been finalized against the petitioner and in case the petitioner is aggrieved with the same, he has got alternative efficacious remedy to file an appeal under Section 127 of the Electricity Act. Therefore, the present writ petition is liable to be dismissed on the ground of statutory alternative remedy.

4. Confronted with above, learned counsel for the petitioner could not overcome the same.

5. Considering the aforesaid facts and circumstances of the case, we are not inclined to entertain this petition leaving it open to the petitioner to assail the legality and validity of the final assessment by means of filing an Appeal under Section 127 of the Electricity Act.

6. With the aforesaid observations, the instant petition stands ***disposed of***.

Order Date :- 17.10.2023/Sachin