

Court No. - 40

Case :- WRIT - C No. - 36383 of 2023

Petitioner :- Manoj

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Virendra Singh Tomar,Rajiv Sisodia

Counsel for Respondent :- Narendra Kumar Tiwari,Anupam Shyam Dwivedi,Smt. Richa Dixita,Sudhir Dixit

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Rajiv Sisodia, learned counsel for the petitioner; learned Additional Chief Standing Counsel for the State respondents; Shri Rajesh Kumar Mishra, Advocate holding brief of Shri N.K. Tiwari, learned counsel for Electricity Department and Shri Sudhir Dixit, learned counsel for respondent nos.5 and 6.

2. Present writ petition is preferred with a prayer to command respondent nos.3 and 4 to provide administrative assistance as well as provide police force for installing electric tubewell in pursuance of letter dated 19.06.2023, 26.06.2023 and 30.08.2023.

3. Petitioner claims to be a farmer. It is claimed that there is tubewell at his field and he has applied for getting electric connection on 25.05.2022. It is submitted that in spite of requisite deposit in terms of the demand, which has been raised by the Electricity Distribution Division, Budhana, Muzaffarnagar, till date the respondents have not installed the electricity line from DP upto tubewell of petitioner (as per line chart appended as Annexure no.3 to the writ petition). Learned counsel for the petitioner states that admittedly the application of petitioner has been processed by the respondents and vide letter dated 30.08.2023, the Executive Engineer has requested the Station House Officer, P.S. Budhana, Muzaffarnagar for providing adequate police protection so that the electricity line may be laid.

4. Shri Sudhir Dixit, learned counsel for respondent no.5 and 6 had vehemently opposed the writ petition and submits that as the contesting respondent had already instituted a suit for injunction against the petitioner and Electricity Department, who are inclined to lay electricity line across their holding and the said suit proceedings are stated to be pending consideration, whereas, the contesting respondents had also approached to the Electricity Department for shifting of the pole and accordingly as per demand of Department, the respondent no.5 and 6 had already deposited the amount, therefore, the claim of contesting respondents are to be seen while processing the application of petitioner by the Electricity

Department.

5. Learned counsel for the Electricity Department fairly states that both the parties have deposited the requisite amount in terms of their claim. Initially, in response to the petitioner's application, the request was also made to the local police station for providing police protection so that the electricity line could be laid. The same has been resisted by the contesting respondent and now he has come with a case that he has already filed a suit for injunction against the petitioner and the Electricity Department. He submits that the concerned Sub Divisional Magistrate may be directed to hold a fact finding inquiry/survey on the spot so that on the basis of such survey, the Electricity Department may proceed in accordance with law.

6. The bone of contention in the matter is giving electricity connection to the petitioner's tubewell.

7. Admittedly both the parties have approached the Electricity Department for redressal of their grievance. Their request is acknowledged and subsequently they have deposited the requisite amount for providing electricity connection and for shifting of poles. However, there are claim and counter claim between the parties, which can definitely be redressed by the revenue authorities after conducting a fact finding inquiry/survey.

8. Considering the aforementioned facts and circumstances, we direct the concerned Sub Divisional Magistrate to depute some responsible Officer/Revenue Official, who may make spot inspection and submit a fact finding report to the concerned Executive Engineer, Electricity Division within two weeks and thereafter the concerned Executive Engineer, Electricity Division is further directed to proceed in accordance with law but certainly after taking into account the fact finding survey report submitted by the revenue officer/official in further two weeks time. Suffice to indicate that the observations made by this Court is only for disposal of the present case and the same would have no bearing in the on-going civil proceeding.

9. With these observations, the writ petition is ***disposed of***.

Order Date :- 31.10.2023

A. Pandey