

GAHC010039212024



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

Case No. : WP(C)/1027/2024

PARASH KUMAR BHATTACHARJEE
S/O LATE S.N. BHATTACHARJEE,
CONTRACTOR BY PROFESSION AND AS WELL AS PETITIONER IN PERSON
REGENT PARADISE, 2B, GHORAMARA, GUWAHATI-28

VERSUS

ARUN SINGH SOUBAM
SECRETARY, REGENT PARADISE OWNERS WELFARE SOCIETY,
GHORAMARA, GUWAHATI-28.

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 28-02-2024

Heard Mr. Parash Kumar Bhattacharjee, petitioner in person.

2. The petitioner has instituted the present writ petition under Article 226 of

the Constitution of India seeking a number of reliefs.

3. The petitioner has stated that he is an occupant of *Regent Paradise Residential Complex* since the year 2021 as a tenant of Flat no. 2B/A4 on the 4th floor of the said multi-storeyed residential complex. It is the case of the petitioner that on 01.02.2024, the internal residential electricity line meant for the flat, Flat no. 2B/A4 has been disconnected at the instruction of the sole respondent without any proper and formal notice to the petitioner. It is the further case of the petitioner that such disconnection has been made with a criminal intent to harass the petitioner.

4. The petitioner has made a private person, who is the Secretary of M/s Regent Paradise Owner's Welfare Society, Ghoramara, Guwahati – 781028, as the sole respondent in the instant writ petition. There is no averment in the writ petition that the sole respondent has to perform any statutory obligation or public duty.

5. It is settled that a writ petition is a remedy in public law which may be filed by any person but the main respondent should be either Government, Governmental agencies or a State or instrumentalities of a State within the meaning of Article 12 of the Constitution of India. Private individuals cannot be equated with State or instrumentalities of the State. All the respondents in a writ petition cannot be private parties. But private parties acting in collusion with State can be respondents in a writ petition. Under the phraseology of Article 226, High Court can issue writ to any person, but the person against whom writ will be issued must have some statutory or public duty to perform.

6. In this writ petition, the only respondent arrayed is a private person. This

Court is, thus, of the unhesitant opinion that this writ petition is not maintainable in the present form. In such view of the matter, the writ petition is dismissed as not maintainable.

JUDGE

Comparing Assistant