

GAHC010132282019



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

Case No. : WP(C)/3934/2019

SUBRATA DAS AND ANR.
S/O LT. SUKEN DAS, R/O SATSANGA ASHRAM ROAD, SILCHAR TOWN,
PS.SILCHAR, DIST.-CACHAR, ASSAM

2: ASHIM DAS
S/O LT. AKHIL DAS
R/O MAHANAMBRATA SARANI
HAILAKANDI ROAD
SILCHAR-788005
P.S. SILCHAR
DIST.-CACHAR
ASSA

VERSUS

THE MANAGING DIRECTOR AND 4 ORS.
ASSAM POWER DISTRIBUTION COMPANY LTD. BIJULEE BHAWAN,
PALTAN BAZAR, GUWAHATI-781001

2:THE ASSAM ELECTRICITY REGULATORY COMMISSION
(ELECTRICITY SUPPLY CODE AND RELATED MATTERS) REGULATION
2004 (FIRST AMENDMENT) 2007
REP. BY ITS CHIARPERSON

3:THE SUB DIVISIONAL ENGINEER
SILCHAR ELECTRICAL SUB DIVISION- II
ASSAM POWER DISTRIBUTION COMPANY LTD. SILCHAR
DIST.-CACHAR
ASSAM.

4:RATNAJIT ROY
S/O SRI RUNU ROY
R/O HAILAKANDI ROAD
SILCHAR-788005

P.S SILCHAR
DIST.-CACHAR
ASSAM

5:MANJUSHREE SWAMI
W/O LT. SUBHENDU KUMAR SWAMI
R/O FLAT NO. D. 02
MAYUR KUNJA APARTMENT
COLLEGE ROAD
SILCHAR TOWN
P.S. SILCHAR
DIST.-CACHAR

Advocate for the Petitioner : MR. D CHAKRABARTY

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.05.2024

1. Heard Mr. D. Chakraborty, learned counsel for the petitioner, who submits that in view of the order dated 17.06.2019 passed by this Court, the writ petition has become infructuous.
2. The petitioners' counsel also submits that pursuant to the order dated 17.06.2019, the electricity connection has been restored to the petitioners' premises.
3. Mr. K.P. Pathak, learned counsel appears for the APDCL and submits that the writ petition has become infructuous.
4. The order dated 17.06.2019 passed in this case is reproduced below, as follows :

“Heard Mr. D Chakraborty, learned counsel for the petitioners and Mr. HK Sarma,

learned Standing Counsel, Assam Power Distribution Company Ltd. (APDCL).

Temporary connection to the premises of the petitioners at HKD Road, NS Avenue, Silchar was disconnected by Silchar Electrical Sub-Divisional Engineer-II, APDCL vide disconnection notice dated 26.03.2019 in view of order passed by Civil Judge No.1, Cachar at Silchar on 02.01.2019. A perusal of order dated 02.01.2019 passed by Civil Judge No.1, Cachar at Silchar in Misc. Case No.1/2019 arising out of Title Suit No.165/2017 would go to show that there is a dispute relating to right, title and interest over the suit land between respondent No.5 and the petitioners which is now being adjudicated by the Civil Judge; out of which injunction proceedings arose. By the order dated 02.01.2019 parties were directed to maintain status quo so far suit land is concerned. This order dated 02.01.2019 has to be understood in the context in which it was passed. Direction to parties to maintain status quo in respect of suit land would mean that neither of the parties can change or alter the nature and character of the suit land during pendency of the civil proceeding. It does not mean and cannot be construed to mean that pending adjudication, electricity connection to the premises of the petitioners, be it temporary or regular, can be disconnected.

Issue notice, returnable 6 weeks.

Mr. Sarma accepts notice on behalf of respondent Nos.1, 2 and 3. Extra copies within 3 days.

Notice to respondent Nos.4 and 5 by registered post with A/D. Steps within 3 days.

After hearing learned counsel for the parties and on due consideration, impugned disconnection notice dated 26.03.2019 is hereby stayed. Respondent No.3 is directed to forthwith restore electricity connection to the premises of the petitioners.

List again on 30.08.2019."

5. In view of the fact that only prayer made in this writ petition is for restoration of electricity, which has been done by the APDCL Authorities

pursuant to the order dated 17.06.2019, the writ petition has become infructuous. The same is accordingly dismissed as infructuous.

JUDGE

Comparing Assistant