

GAHC010178282024



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

Case No. : I.A.(Civil)/2736/2024

RAM PRASAD DAS
S/O- RAM CHARAN HARIJAN @ RAM CHANDRA HARIJAN, R/O- HOUSE
NO. 39 PITALKARKHANA, BISHNUPUR, P.O. GOPINATHNAGAR, P.S.
BHARALUMUKH, GUWAHATI-781016, KAMRUP(M), ASSAM

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD AND 5 ORS
REPRESENTED BY CHAIRMAN 4TH FLOOR, BIJULEE BHAWAN, PALTAN
BAZAR, GHY-781001.

2:THE JOINT SECRETARY DEPARTMENT

POWER AND ELECTRICITY DEPARTMENT
DISPUR
GUWAHATI
ASSAM
PIN- 781006.

3:THE ASSAM STATE ELECTRICITY BOARD
(ASEB)

REP. BY SECRETARY
4TH FLOOR
BIJULEE BHAWAN
PALTAN BAZAR
GHY-781001.

4:THE GENERAL MANAGER / MANAGING DIRECTOR
APDCL
SIX MILE
GUWAHATI PIN- 781022.

5:THE SUB-DIVISIONAL ENGINEER
KALAPHAR
ELECTRICAL SUB-DIVISION
APDCL
LAR
KAHILIPARA
GUWAHATI
PIN- 781016.

6:RAM AKBAL DAS
PITALKARKHANA
BISHNUPUR
P.O. GOPINATHNAGAR
P.S. BHARALUMUKH
GHY
DIST. KAMRUP(M)
PIN- 781016

For the applicant : Mr. G. Uddin, Advocate
For the respondents : Mr. B. Choudhury, S.C. APDCL
For respondent Nos.1, 3, 4 & 5

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

19-12-2024

(Vijay Bishnoi, C.J.)

The matter comes up for consideration of I.A.(Civil) 2736/2024 preferred on behalf of the applicant with the prayer to condone the delay of 87 days in filing the connected writ appeal.

The connected writ appeal is filed by the applicant being aggrieved with the order dated 03.05.2024 passed by the learned Single Judge in WP(C) 2315/2024 whereby the learned Single Judge, while disposing of the writ

petition filed on behalf of the applicant herein, has directed the Assam Power Distribution Company Ltd. (hereinafter to be referred as 'APDCL') to provide temporary electricity connection to the applicant's residential house.

While issuing such direction, the learned Single Judge has taken into consideration the fact that the dispute regarding the title of the premises, wherein the applicant is residing, is pending consideration before the Civil Court. The learned Single Judge has directed the APDCL to provide temporary electricity connection to the applicant's residential house since electricity being a basic amenity, no person can be deprived of the same, as held by the Hon'ble Supreme Court in the case of ***Dilip (dead) through Lrs. Vs. Satish & others***, reported in ***2022 0 Supreme (SC) 1485***.

The applicant being dissatisfied with the aforesaid order passed by the learned Single Judge has filed a review petition being Review Pet. 136/2024 with the prayer that the APDCL be directed to provide permanent electricity connection to the applicant's residential house instead of temporary electricity connection which was given pursuant to the direction issued by the learned Single Judge in the order dated 03.05.2024.

However, the learned Single Judge has dismissed the said review petition on 19.08.2024 while observing that since the title suit between the parties is pending consideration, this Court rightly directed the APDCL to grant temporary electricity connection to the applicant's residential house.

As per the office report, notice of the interlocutory application issued to the respondent No.6 has not been served till date.

Be that as it may, learned counsel for the applicant submits that he has

already moved a representation before the APDCL for redressal of his grievances. Therefore, he may be allowed to withdraw this application as well as the connected writ appeal with the direction to the APDCL to consider his representation sympathetically and expeditiously.

In view of the submission made by the learned counsel for the applicant, this interlocutory application and the connected writ appeal, which is yet to be registered, are disposed of with the direction to the APDCL that if the representation so filed by the applicant has not been decided till date, the concerned authorities in the APDCL shall consider and decide the same expeditiously, strictly in accordance with law.

Ordered accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant