

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3733 of 2015

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Rajeshwar Prasad Shahi son of Late Charitra Prasad Shahi, resident of village - Rajkhaud, P.S.-Aurai, District-Muzaffarpur and at present Kumud Medical Hall, H. 38 doctor's Colony, Kankarbag, Town and District - Patna - 800020.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Patna.
3. The House Controller cum Sub Divisional Officer, Sadar, Patna.
4. The South Bihar Power Distribution Co. Ltd.
5. The Electrical Executive Engineer, Kankarbagh, Patna.
6. The SDO-cum-Assistant Electrical Engineer, Kankarbagh, Patna.
7. Dr. Jamshed Alam son of Late Haji Vakil Ahmad Retired Professor, H & 38, Doctors Colony, Kankarbagh, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate
Mr. Prabhat Kumar, Advocate

For the Respondent/s : Mr. S.K. Sharma, GA-1
Mr. Himanshu Kumar, A.C. to G.A.-1

For the S.B.P.D.C. Ltd. : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 05-05-2015 Heard learned counsel for the parties.

The petitioner prays for a direction to the respondent authorities of the Electricity Distribution Company for restoration of essential amenities including supply of electricity.

The writ petition manifests that the petitioner is engaged in dispute with his landlord in respect of the premises in question and such dispute has reached different forums inasmuch as whereas the petitioner has filed Title Suit No. 746 of 2013 seeking



a direction to the landlord to restrain from disturbing his possession, the landlord in turn has filed an eviction suit bearing Eviction Suit No. 107 of 2013 seeking eviction of the petitioner and the petitioner in turn has moved before the House Controller under Section 10 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as 'the BBC Act') seeking for restoration of the amenities. Though such application of the petitioner was dismissed by the House Controller in B.B.C. Case No. 105 of 2013 but the petitioner is in appeal before the Collector under Section 24 of the 'B.B.C. Act' bearing B.B.C. Appeal No. 16 of 2014.

In the circumstances that the matter is under consideration before different forums and admittedly there is a dispute brewing between the landlord and the tenant which has led to disconnection of the electricity and as well as taking note of the provision of Clause 4.13 (a2) of the Bihar Supply Code, 2007, which requires a prior permission from the landlord, in my opinion, no direction can be issued to the Distribution Company on the prayer made by the petitioner for grant of permanent connection at this stage. The petitioner if so advised may pursue his remedy before the different forums where the matters are pending.

The writ petition is disposed of accordingly.

It is however made clear that the pendency of the matters before the Collector and other forums will not preclude the petitioner to apply for a temporary connection before the respondent Distribution Company and which shall be considered and disposed of on its own merits expeditiously and preferably within a period of six weeks from filing of such application.

(Jyoti Saran, J)

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