

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12525 of 2014

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1. Man Mohan Singh S/o Late Yugal Kishore Singh Resident of Mohalla - North Hazipur, Ward No. - 13, P.S. - Khagaria, District - Khagaria.

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman Bihar State Power Holding Company Limited, Bailey Road, Patna.
2. The Secretary, the Bihar State Power Holding Limited, Bailey Road, Patna.
3. The Executive Engineer, Electricity Supply Division, Khagaria.
4. Assistant Engineer, Electricity Supply Sub Division Khagaria Town, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 23-04-2015 Heard Mr. Binod Kumar learned counsel for the petitioner, learned counsel for the State and Mr. Arun Kumar for the intervener.

The petitioner has prayed for a direction to the respondent-Distribution/Holding company for providing him with permanent connection.

The case of the petitioner is that an agreement to sale was executed by the owner of the property namely Uma Shankar Jamiyar in his favour on 10.8.2010 and following which he came in possession of the house. It is further his case that later on the said vendor retracted from his promise and which has given rise to



a Title Suit bearing No. 89 of 2011. It is two years thereafter that the petitioner applied for an electrical connection and deposited the connection fee vide receipt No. 663381 dated 19.7.2013, a copy of which is placed at Annexure-2. The complaint is that the application filed by the petitioner has not been acted upon by the respondents and hence the writ petition.

Whereas it is the stand of the petitioner the house has been purchased by him under agreement to sale and thus he is entitled for an electricity connection which is being unjustly denied, a counter affidavit has been filed on behalf of the respondents relying upon Clause 4.13 of the Bihar Electricity Supply Code which prescribes certain formalities to be completed by a consumer as regarding his status and his relationship with the property in question. As per the respondents, any such consumer applicant has to be either the rightful owner of the premises or a valid attorney holder or a lessee or a tenant or an allottee by the owner but since in the present case the petitioner relies upon an unregistered agreement to sale which is disputed and is subject matter of a title suit hence the condition is not get satisfied. The property in the meanwhile has been sold by the owner Uma Shankar Jamiyar in favour of the intervenor namely, Kumar Kavita Sinha who has entered appearance through counsel Mr.

Arun Kumar. The agreement to sale is being seriously disputed but since the issue of validity of the sale deed is subject matter of suit, hence this Court would refrain from expressing any opinion. It is stated that the property in question was purchased by the intervener through a registered sale deed executed on 29.1.2011 and registered on 1.7.2011. It is further submitted that the intervenor has filed an Eviction Suit No. 2 of 2011 praying for eviction of the petitioner and which is pending before the Sub Judge-I, Khagaria.

In the circumstances discussed hereinabove, where the house itself is in controversy and status of the petitioner is yet to be established and taking note of the provisions underlying Clause 4.13 of the Bihar Electricity Supply Code, I am not persuaded to grant indulgence to the prayer made by the petitioner and the writ petition is accordingly dismissed.

(Jyoti Saran, J)

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