

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12594 of 2011

- =====
1. Baiju Rai @ Baijnath Yadav, son of late Dularchand Rai, resident of Chakaram, Mohalla Sri Krishna Nagar, P.S. Budha Colony, District- Patna.
 2. Jainandan Rai, son of Baiju Rai @ Baidyanath Rai resident of Chakaram, Mohalla Sri Krishna Nagar, P.S. Budha Colony, District- Patna.
 3. Janak Rai, son of Baiju Rai @ Baidyanath Rai, resident of Chakaram, Mohalla Sri Krishna Nagar, P.S. Budha Colony, District- Patna.
 4. Saryu Rai, son of Late Sona Rai, resident of Chakaram, Mohalla Sri Krishna Nagar, P.S. Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department. Urban Development Govt. Of Bihar Patna
2. Patna Municipal Corporation Headquarter Near G.P.O. Budh Marge, Patna Through Its Municipal Commissioner Cum Chief Executive Officer
3. Municipal Commissioner Cum Chief Executive Officer, Patna Municipal Corporation, Head Quarter Near G.P.O. Budh Marge, Patna-1
4. Chief Engineer, Patna Municipal Corporation, Head Quarter Near G.P.O. Budh Marge, Patna-1
5. District Magistrate, Patna, Distt. Patna
6. Sub-Divisional Magistrate Sadar Patna ,Distt. Patna
7. Principal Secretary Department Of Energy, Govt. Of Bihar Sichai Bhawan Patna
8. Bihar State Electricity Board Vidyut Bhawan-I, Patna Through Its Chairman
9. Chairman, Bihar State Electricity Board Vidyut Bhawan-I Patna
10. Chief Engineer, Patna Electricity Supply Undertaking Mangles Road, Patna
11. Superintending Engineer, Patna Electricity Supply Undertaking Mangles Road, Patna
12. Assistant Engineer, New Capital Division, Patna Electricity Supply Under Taking Mangles Road, Patna
13. Senior Superintendent Of Police, Patna Distt. Patna
14. Officer-In-Charge, Budha Colony Police Station Patna
15. Consumer Grievance Redressal Forum Vidyut Bhawan-II, Bihar Patna
16. Manoj Kumar, son of Jamuna Rai , resident of Mohalla Chakaram (Sri Krishan Nagar) P.S. Budha Colony, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SARANGDHAR JHA

For the Respondent/s : Mr. MANOJ KR. AMBASTA GP14

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 15-09-2015

Heard Mr. Jha for the petitioners, Mr. Nikesh Kumar for the

Bihar State Electricity Board, and the Counsel for the State. No one has appeared on behalf of the Patna Municipal Corporation.

Several writ petitions raising diverse grievances including C.W.J.C. No. 14927 of 2004 (Baiju Rai @ Baidyanath Yadav versus The State of Bihar and Ors.) were heard together and by a common order dated 3.10.2007 (Annexure-3), they were disposed of permitting the petitioners to approach the Forum created under Section 42(5) of the Electricity Act, 2003 for ventilation of their grievances. In the light of the said order, the petitioners filed a grievance application (Annexure-4) raising *inter alia* a grievance that live wire was crossing over the dwelling structure of the petitioners to give domestic connection to other consumer which was detrimental to his life and safety. The other grievance was that the respondents, particularly, the Electricity Board should have used 10 ft. wide preexisting road for drawing domestic electric connection to other consumers and not the 4 ft. wide lane which is part of the land of the petitioners. The Forum called for diverse reports and on the basis of those reports and after hearing the parties disposed of the application vide order dated 22.1.2009 with certain directions. The Forum did not find much substance in the contention of the petitioners that 4 ft. wide lane constituted part of his raiyati land as the respondent Municipal Corporation had already declared the lane as the public road. Insofar

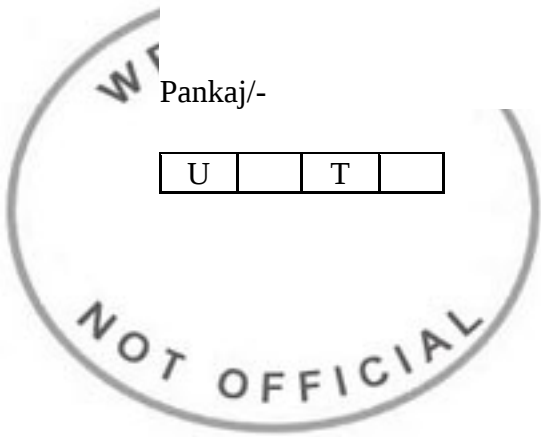
as the grievance of the petitioners with regard to hanging naked live wire over the dwelling structure of the petitioners is concerned, a direction was issued to strengthen the connection and maintain the required height by using permanent poles. It has been argued by the petitioners that the naked wire still continues to hang over the dwelling structure of the petitioners.

If that be so then the respondents, particularly, the Electricity Board is required to take remedial measures forthwith keeping in view the observation and direction issued under the impugned order passed by the Grievance Redressal Forum.

Insofar as the contention of the petitioners that the respondents ought to have utilized the pre-existing 10 ft wide road/lane for drawing electric connection to other consumers, in my view, the same, in the facts of the case, cannot be entertained in writ jurisdiction of this Court. The matter can be ventilated either before the concerned authority or in appropriate forum which appears to be the Court of competent civil jurisdiction. The acquisition by declaration of 4 ft wide lane by the Patna Municipal Corporation can also be challenged by the petitioners before the appropriate forum/Court in accordance with law. This Court would, therefore, not dwell upon further on the said contention made by the parties.

The writ application does not merit further observation. It is

accordingly disposed of.



(Kishore Kumar Mandal, J)