

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7860 of 2016

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1. Ashok Narayan Karn son of Late Ramesh Lal Das Resident of Mohalla- North
Hazipur, Near Patel Chowk, P.O., P.S. & District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar at Patna.
2. The Principal Chief Secretary, Energy Department, Bihar at Patna.
3. North Bihar Power Distribution Co. Ltd., through its M.D., Patna.
4. The Principal Secretary, Education, Bihar at Patna.
5. The Vice Chancellor, Tilka Manjhi University, Bhagalpur.
6. The Principal, Koshi College, Khagaria.
7. The Collector, Khagaria.
8. The Superintendent of Police, Khagaria.
9. The Executive Engineer, Electric Supply Division, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma
For the Respondent/s : Meera Singh, AC to AAG-13
For the Electricity Board : Mr. Vijay Kumar Verma
For the University : Mr. Rajendra Kumar Giri

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-07-2016

Heard Mr. Amarendra Nath Verma, learned Counsel for the
petitioner, and Mr. Vijay Kumar Verma, learned Counsel for the
Electricity Board.

With the help of this writ petition, made under Article 226 of



the Constitution of India, in the form of Public Interest Litigation, the writ petitioner, who is a social worker and an advocate, has sought for a writ of *mandamus* commanding the respondents to restore electric connection to Koshi College, Khagaria.

Upon query made by this Court, Mr. Amarendra Nath Verma, learned Counsel for the petitioner, candidly submits that the petitioner cannot file any affidavit swearing to the effect that there is no arrear to be paid by the management of the College to the Electricity Board for the bills raised by the Electricity Board.

In view of the above, when there is no concrete and definite material that withdrawing of electric connection by the Electricity Board is without there being any arrear to be paid by the management of the College, this Court, in exercise of its extraordinary jurisdiction, cannot direct the Electricity Board to restore the electricity connection and continue to supply electricity if the management is not financially capable of paying its electricity bills and when it is not the management of the college, which seeks restoration of electricity to the premises of the college.

In view of the above, we find that the present case is one, which involves disputed question of fact and such a dispute cannot be resolved in a Public Interest Litigation.

In view of the above and in the interest of justice, this

application is closed with liberty given to the petitioner to take recourse to appropriate provisions of law.

(I. A. Ansari, ACJ)

(Anjana Mishra, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
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