

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.25 of 2016

In

Civil Writ Jurisdiction Case No. 18438 of 2014

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Raju Kumar Mishra, son of Shri Guri Shankar Mishra, resident of Mohalla-Humad Gali, Nehru Tola, P.S.- Chowk, Patna City, District- Patna.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited, Vidhut Bhawan, Bailey, Road, Patna-800001, through its Managing Director.
2. The Electrical Executive Engineer, Electric Supply Division, Patna City.
3. Assistant Electrical Engineer, Electric Supply Sub-Division, Chowk, Patna City.

..... Respondents/Respondents/Opp. Party/s

4. Vikash Kumar Dubey, son of Shri Deepak Dubey, resident of Bhitari, Begumpur, Patna City, P.S.- Chowk, District- Patna.

....Petitioner Respondent/Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Verma

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 03-02-2016

Heard Mr. Rajesh Kumar Verma, learned counsel appearing for the petitioner and Mr. Vinay Kirti Singh for the Respondent-Company.

The review petitioner claims to be the purchaser of the property in which the respondent no.4 is an occupant. He prays for review of the order dated 23.4.2015 passed in CWJC No.18438 of 2014 whereby directions were issued to the respondent Company for restoration of electrical connection of the respondent no.4. The petitioner claiming to be the purchaser of the property in question seeks a review of the order as well as

a right to be heard in the matter on the relief granted.

Perusal of the order under review manifests that this Court has taken note of the dispute in between the review petitioner and the respondent no.4 pending consideration in Title (Eviction) Suit No.272 of 2011. This Court has also noted that the house in question was taken on rent by respondent no.4 from one Bhagwati Devi who has since deceased.

According to Mr. Rajesh Kumar Verma, learned counsel appearing for the review petitioner, the respondent no.4 herein has not approached this Court with a clean hands inasmuch he did not implead the review petitioner as a party respondent and his conduct can well be assessed from paragraph 9 of the writ petition where he also tried to mislead the DCLR in a dispute raised by the petitioner.

In so far as the approach of the review petitioner is concerned the entire dispute so raised by the respondent no.4 stands noted in the order and there was no attempt on the part of the respondent no.4 to mislead this Court or to suppress any material fact rather the existence of the dispute in between the respondent no.4 and the review petitioner stands noted in the order and this Court while taking note of the contest, has concluded that such internal dispute cannot arm the Electricity

Company to take coercive measures against the writ petitioner more particularly when he is not in default in payment of electrical charges.

Admittedly the title eviction suit filed by the review petitioner is pending and has not yet concluded. In the circumstances the attempt by the review petitioner to adopt coercive means to evict the respondent no.4 by disconnection of his electric line certainly cannot be permitted. No case for review of the order passed in the writ petition is made out.

This civil review application is accordingly disposed of.

(Jyoti Saran, J)

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