

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18904 of 2016

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Yogendra Prasad Sah son of Late Gokhul Prasad Sah, Resident of Mohalla Madhopur, (Basudeopur) Police Station Kotwali, District Munger.

.... Petitioner

Versus

1. The Managing Director South Bihar Power Distribution Company Pvt. Ltd. Vidyut Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, Electric Supply Circle, Munger.
3. The Executive Engineer, Electric Supply Division, Munger.
4. The Assistant Electrical Engineer, Electric Supply Sub Division, Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shivendra Kumar Sinha, Advocate

For the Respondents : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-11-2017

The present writ petition has been filed for the following reliefs-

- (i) *To quash the letter no. 3072 dated 25.06.2016 (Annexure-3) issued by the Assistant Electric Engineer, Electric Supply Sub-Division, Munger (Respondent no. 4) by which he has refused to give him electric connection.*
- (ii) *To further issue mandamus to the respondents to provide the Electric connection to the petitioner who had completed all the formalities as required for the new connection.*
- (iii) *To pass any appropriate order/orders, direction/directions, writ/writs to the respondents as your Lordships may deem fit and proper in the interest of justice.*

2. Without going into the detailed merits of the matter, this Court takes note of the admitted facts that after investigation in Kotwali P.S. Case



No. 11 of 2015 instituted in relation to alleged theft of electricity by the petitioner’s son, Santosh Kumar, final form was submitted as mistake of fact. However, the respondents filed a protest petition which was converted as Complaint Case No. 875(c) of 2016. It would appear that so far cognizance in the said complaint case has not yet been taken.

3. Considering that final form has been submitted by the police after investigation as mistake of fact and cognizance not yet having been taken in Complaint Case No. 875(c) of 2016, this Court is of the view that the ends of justice will be met if the respondents are directed to take immediate steps for providing electricity connection to the petitioner subject to completion of formalities.

4. It is made clear that in case cognizance is taken in Complaint Case No. 875(c) of 2016, the respondents shall be entitled to disconnect the electricity connection of the petitioner.

5. This judgment is being passed with the consent of the parties.
The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/Ibrar

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