

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 289 of 2017

1. Shabbir Khan S/o Late Shamsheer Khan Aged About 60 Years
R/o House No. 41/341, Bejnath Para, Dhobi Line, Raipur,
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Electricity
Department, Raipur (Chhattisgarh)
2. Assistant Engineer, Zone In-charge, Bhudapara, Zone,
Chhattisgarh Electricity Distribution Company, Raipur
(Chhattisgarh)
3. Jameela Khan, W/o Late Shamsheer Khan, Aged About 35 Years
Residing At House No. 22/415 (Present No. 41/340) Bejnath
Para, Raipur Chhattisgarh.
4. Rashuda Begum, Residing At House No. 22/415 (Present No.
41/340) Bejnath Para, Raipur, Chhattisgarh.
5. Zuyena Khan, Residing At House No. 22/415 (Present No.
41/340) Bejnath Para, Raipur, Chhattisgarh.

---- Respondent

For Petitioner	Dr. Shailesh Ahuja, Advocate
For Respondent/State	Shri A.S. Kachhawaha, Addl. Adv. General
For Respondent No.3 to 5	Shri Anurag Khatri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/02/2017

1. The writ petition is preferred for a direction to the respondent No.2 to provide new electric connection on the said part of the premises, which is occupied by the petitioner. Although other reliefs have been prayed, but for the present learned counsel for the petitioner would restrict his prayer to supply of electrical energy through a new electric connection, which is an essential service.
2. It appears, the dispute concerning share in the property was brought before the Civil Court by the respondents No.4 & 5 in civil suit No.5-A/2009, which was dismissed by the Court of 7th Additional District Judge, Raipur, on 23-9-2010. Against the said decree, the plaintiffs have preferred FA No.161 of 2010 before this Court wherein an interim order has been passed on 18-2-2011 directing that the respondent No.1 therein (the present petitioner) is restrained from alienating or raising any construction over the suit property.
3. It is argued that taking benefit of the said interim order, the respondents No.4 & 5 have objected before the respondent No.2 for installing the new electric connection in the premises occupied by the petitioner.

4. After hearing learned counsel appearing for the parties and for the fact that the electric supply being an essential service, by its very nature it is emergent in nature, I am inclined to dispose of the writ petition because, *prima facie*, the interim order passed by this Court restrains the petitioner from alienating or raising construction over the property, but there is no interference on the lawful enjoyment of the property by obtaining any essential service either by way of electric or water connection.
5. Accordingly, the writ petition is disposed of with a direction that the respondent No.2 shall provide electric connection to the petitioner by installing a new meter, if the petitioner is otherwise eligible.
6. Let the respondent No.2 do the needful within a period of one month from the date the petitioner submits certified copy of this order along with fresh application for grant of new electric connection.

Sd/-

Judge

Prashant Kumar Mishra

Gowri