

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16964 of 2017

=====

1. Manish Kumar @ Manish Kumar Shrivastav, Son of Ramesh Prasad, Resident of Village- Gaunaha, Police Station- Gaunaha, District- West Champaran.
2. Raj Kumar Sukla, Son of Vishwanath Sukla, Resident of village- Hingu Nahar, Ward No.- 5, Police Station- Sathi, District- West Champaran.
3. Sudhir Kumar Gupta, Son of Ramesh Prasad Gupta, Resident of Village- Rowari, Police Station- Shikarpur, District- West Champaran.
4. Krishan Mohan Pandey, Son of Rajendra Pandey, Resident of Village- Rowari, Police Station- Shikarpur, District- West Champaran.
5. Vikash Kumar Shukla, Son of Late Prabhunath Shukla, Resident of Village- Pipra, Ward No.- 6, Police Station- Shikarpur, District- West Champaran.
6. Binod Mishra, son of Rabindra Mishra, Resident of Village- Hardia, Police Station- Shikarpur, District- West Champaran.
7. Chandan Kumar Raj, Son of Dinesh Prasad Shrivastav, Resident of Village- Bhudwa Champapur, Police Station- Shikarpur, District- West Champaran.
8. Shakim Miyan, Son of Daroga Miyan, Resident of Village- Purusottampur, Resident of Village- Purusottampur, District- West Champaran.
9. Akhilesh Kumar, Son of Damodar Prasad, Resident of Village- Tilangi Bahuarwa, Police Station- Purusottampur, District- West Champaran.
10. Manoj Kumar Mishra, Son of Hoshila Mishra, Resident of Village- Hardiya, Ward No. 20, Police Station- Shikarpur, District- West Champaran.
11. Kamlesh Kumar, Son of Kishori Prasad, resident of Village- Tilangi, Bahavarw, Police Station- Purusotampur, District- West Champaran.
12. Shyam Babu Kumar, Son of Ruda Sah, Resident of Village- Tengariya, Police Station- Gopalpur, District- West Champaran.
13. Rajan Sah, Son of Late Prabhu Sah, Resident of Village- Gauripur, Police Station- Balthar, District- West Champaran.
14. Sundardeep Mahto, Son of Jhaman Mahto, Resident of village- Jhahari, Police Station- Inerwa, District- West Champaran.
15. Sanjay Prasad Koiri, Son of Makardhwaj Prasad, Resident of Village- Jabdi, Police Station- Bhanaga, District- West Champaran.
16. Vijay Kumar, Son of Gokhul Ram, Resident of Village- Purainiya, Police Station- Mainatand, District- West Champaran.
17. Vikash Kumar Shukla, Son of Chandra Bhushan Sukhla, resident of Village- Jura Pakri, Police Station- Ramnagar, District- West Champaran.
18. Vidya Sagar Prasad, Son of Pyare Lal Sah, Resident of Village- Bhairoganj Bazar, Police Station- Narkatiyaganj, District- West Champaran.
19. Pradeep Yadav, Son of Manager Yadav, Resident of Village- Noniya Tola, Police Station- Gopalpur, District- West Champaran.
20. Rajesh Kumar Pandey, Son of Radhe Shyam Pandey, Resident of Village- Dhankutwa, Police Station- Balthar, District- West Champaran.
21. Dhanjeet Choubey, Son of Chandreshekh Choubey, Resident of Village- Rajpur Mathiya Police Station- Shikarpur, District- West Champaran.
22. Ranjeet Kumar Dubey, son of Mankeshwar Dubey, Resident of Village- Siswa Bahuarwa, Police Station- Shikarpur, District- West Champaran.
23. Bisheshwar Kumar Paswan, Son of Prem Sagar Paswan, Resident of Village- Purshotampur, District- West Champaran.



24. Mithilesh Kumar @ Mithilesh Kumar Raj, Son of Nathuni Prasad, Resident of village- Bastha, Police Station- Mainatand, District- West Champaran.
25. Anil Kumar Sah, Son of Paras Sah, Resident of Village- Pakariya Tola, District West Champaran.
26. Dhananjay Shukla, Son of Ramchandra Shukla, Resident of Village- Awasanpur, Police Station- Balthar, District- West Champaran.
27. Murari Kumar Tiwari, Son of Baban Tiwari, Resident of Village- Pakari Bishauli, Police Station- Gaunaha, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Bihar State Power Holding Company Limited, through its C.M.D., Bihar, Patna.
3. The Chief Managing Director, the Bihar State Power Holding Company Limited, Bihar, Patna.
4. The Managing Director, North Bihar Power Distribution Company Ltd., Bihar, Patna.
5. The Chief Electrical Engineer, Electricity Supply, Motihari, East Champaran.
6. The Executive Electrical Engineer, Electricity Supply Division Bettiah, West Champaran.
7. The Assistant Electrical Engineer, Supply Sub Division, Narkatiyaganj, West Champaran.
8. The Assistant Electrical Engineer, Revenue, Bettiah, West Champaran.
9. The Assistant Electrical Engineer, Supply Sub Division Bagaha, West Champaran.
10. The Junior Electrical Engineer, Narkatiyaganj, West Champaran.
11. The J.E.E. Gaunaha, West Champaran.
12. The J.E.E. Shikarpur, West Champaran.
13. The J.E.E. Chautarwa, West Champaran.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar No.-7, Advocate
For the State : Mr. Yogendra Prasad Sinha -AAG7
For the Power Company: Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kr. Verma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

Heard learned counsel for the petitioners as well as learned
counsel for the respondents.

2. The present writ petition has been filed for quashing
the order dated 16.08.2017 contained in Letter No. 346 (Annexure-3)



whereby and whereunder the petitioners have been restrained from working as Rural Revenue Franchisee; for quashing the order contained in letter no. 727 dated 01.07.2017 issued by the respondent authorities whereby and whereunder M/s EMDEE, Digitronics Pvt. Ltd. (Kolkata) has been appointed for billing and collection of revenue from the rural areas; for further direction to the respondent authorities to stay the appointment of M/s EMDEE, Digitronics Pvt. Ltd. (Kolkata) from the consumers ; and for connected reliefs.

3. Learned counsel for the petitioners submits that the impugned order restraining the petitioners from working as Rural Revenue Franchisees is wholly arbitrary and illegal and without issuance of prior show cause notice. A specific stand has been taken in paragraph 6 of the writ petition that no show cause notice has been issued to the petitioners before passing the impugned order.

4. Learned counsel for the respondent-South Bihar Power Distribution Company Limited appears and has been heard. No counter affidavit has been filed on behalf of the respondents.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. The respondents have not been able to controvert the specific stand of the petitioners that the impugned order restraining the petitioners from working as Rural Revenue Franchisees has been passed without issuance of prior show cause



notice. In this view of the matter, there is a clear violation of principles of natural justice.

6. The impugned order dated 16.08.2017 (Annexure-3) is accordingly, quashed. It is made clear that the respondent-Company shall be at liberty to issue fresh show cause notice to the petitioners before passing a fresh order against them in accordance with law.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.05.2018
Transmission Date	N.A.

