

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13843 of 2018

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Smt. Deep Shikha @ Deep Shikha Singh, Wife of Sri Ajay Kumar Singh,
Resident of Ranjit Bhawan, Moolchand Path, New Chitragupta Nagar, Near
Raj Laxmi Nurshing Home, Kankarbagh, Police Station- Patrakar Nagar,
District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited, Vidyut Bhawan, Near Income Tax Golamber, Jawaharlal Nehru Path, Baily Road, Patna, through its Chairman-cum-Managing Director.
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Near Income Tax Golamber, Jawaharlal Nehru Path, Baily Road, Patna, through its Chairman-cum-Managing Director.
3. The Chief Engineer Commercial, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Near Income Tax Golamber, Jawaharlal Nehru Path, Baily Road, Patna, through its Chairman-cum-Managing Director.
4. The Assistant Electrical Engineer, Electric Supply, Sub-Division, Kankarbagh East, Patna- 800020.
5. The Junior Electrical Engineer, Kankarbagh East, Patna- 800020.
6. Sri.Rajesh Kumar, residing at Friends Ravindra Girija Apartment, Flat No.202, Saketpuri, Police Station-Bahadurpur, District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s

:Mr.Ashok Kumar Singh, Adv.

For the SBPDCL

:Mr. Ritesh Kumar, Adv.

For the intervener respondent no.6: Mr. Shiv Mohan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioner and learned
counsel representing the respondents.

I.A. No.1 of 2019 has been filed on behalf of one
Rajesh Kumar, residing at Friends Ravindra Girija Apartment, Flat
No.202, Saketpuri, Police Station-Bahadurpur, District-Patna. He
claims that he is the sole owner of the premises in connection with
which the present petitioner is seeking electricity connection.
Learned counsel for the intervener submits that in the facts of the



present case, it would be just and proper to hear the intervener after adding him as party respondent no.6. Learned counsel for the petitioner as well as the learned counsel for the official respondents do not dispute the fact that the intervener is the owner of the house, considering the facts and circumstances of the case this Court allows the I.A No.1 of 2019.

Let the intervener be added as party respondent no.6 in the present writ application in course of the day.

With the consent of the parties the matter has then proceeded for hearing on merit.

The case of the petitioner is that she happen to be a legally wedded wife of the younger brother of the respondent no.6. It is submitted that she is not maintaining a cordial matrimonial relationship with her husband and for that reason she is now being thrown out of the house where she is residing. Learned counsel submits that in terms of Section 43 of the Electricity Act, 2003 the petitioner being an occupier would be entitled for a fresh electricity connection but the authorities below while considering the request of the petitioner has rejected the same vide order dated 18.07.2018 as contained in Letter No.117 (Annexure '5') to the writ application.

On the other hand, learned counsel representing the official respondents submits that no doubt the petitioner has



entered in the residential house of the respondent no.6 by virtue of her being wife of the younger brother of the respondent no.6 but it is not in dispute that respondent no.6 is the sole owner of the property in question. No title suit or any other dispute is pending with respect to the property in question. In such circumstance, the provisions of the Electricity Supply Code gets attracted and for the purpose of obtaining a fresh electricity connection the petitioner would be obliged to produce any one of the documents such as power of attorney, rent receipts or a certificate from the house owner to show that she deserves electricity connection. In the present case no such document is being submitted on behalf of the petitioner, therefore, fresh electricity connection cannot be provided. Attention of this Court has also been drawn towards the impugned order passed by the authorities concerned as contained in Annexure '7' to the writ application.

Learned counsel for the respondent no.6 has also opposed the application for the reasons stated hereinabove.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the views expressed by the Consumer Grievance Redressal Forum, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Patna, as contained in Annexure '7' to the writ application cannot be said to be an unreasonable view. It is not one of those cases where there is



any jural relationship between the parties and a dispute has arisen because of a dispute which have taken place during continuance of the tenancy rights. In this case the petitioner admits that the respondent no.6 is the owner of the property, no suit or proceeding is pending against the same and her husband has also lodged one F.I.R against her.

Under these circumstances, if she is unable to comply with the requirements of the Supply Code to get a fresh electricity connection, this Court sitting in its jurisdiction under Article 226 of the Constitution of India would not issue a direction to the official respondents to provide electricity connection to the petitioner without seeking compliance of the provisions of the Supply Code. The Supply Codes are statutory in nature and it is well settled that a writ of mandamus cannot be issued against a statutory provision.

The writ application is devoid of merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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