

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105-5

CWP-9673-2020

Date of decision: 07.10.2020

Atma Singh

.....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bhupinder Ghai, Advocate
 for the petitioner.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Mr. Rajesh Gaur, Advocate and
Mr. Kuldip Tiwari, Advocate for the respondents.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to restore his tubewell electricity connection bearing No.TR41/0002/AP which was disconnected by the respondents on 30.06.2020.

Briefly stated the petition was filed on the averments that Anoop Singh, father of the petitioner, was owner of land measuring 33 kanals 09 marlas at Rania, Tehsil Rania, District Sirsa. He had obtained electricity tubewell connection bearing No.TR41/0002/AP from respondent No.1-Nigarm from Gaushala Urban Feeder Rania. After death of his father, the petitioner inherited the land and the tubewell electricity connection stood in his name. On 09.05.2019, the petitioner received letter from respondent No.2 vide which he was directed to run his tubewell from 8 AM to 4 PM for which he would be charged under Agricultural Category and for the additional usage of electricity, he would be charged as per NDS Category (Commercial) Tariff. The petitioner complied with the said directions. Thereafter, during

epidemic of Covid-19, the petitioner came to know that respondent No.1-Nigam was trying to shift the electricity connection of the petitioner from Urban Feeder to Rural Feeder without giving any notice to him. False FIR No.216 dated 07.05.2020 was got registered against him under Sections 186, 188, 353 and 379 of the Indian Penal Code, 1860 at Police Station Rania, District Sirsa. The petitioner made representation dated 12.05.2020 to respondent No.4-the Deputy Commissioner, Sirsa but no action was taken on the same. The petitioner filed CWP No.8773 of 2020 before this Court which was disposed of vide order dated 30.06.2020 with direction to respondent No.2 to look into the representation of the petitioner but on the same day tubewell electricity connection of the petitioner was disconnected by respondents No.2 and 3.

The petition was contested by the respondents in terms of written statement dated 24.07.2020 filed by Sh. Gulshan Wadhva, Executive Engineer (OP), Sub Urban Division, DHBVN Ltd., Sirsa on behalf of respondents No.1 to 3.

On 27.07.2020, learned Counsel for the petitioner submitted that the petitioner had no objection in transfer of his electricity connection from Urban Feeder to Rural Feeder and claimed that his electricity connection had been illegally disconnected. Thereupon, adjournment was sought by learned Counsel for respondents No.1 to 3 for verifying the facts.

Affidavit dated 04.08.2020 of Sh. Anupam Katiyar, Superintending Engineer, 'OP' Dakshin Haryana Bijli Vitran Nigam, Sirsa and status report dated 10.08.2020 by way of affidavit of Sh. Gulshan Wadhva, Executive Engineer (OP), Sub Urban Division, DHBVN Ltd., Sirsa were filed submitting that tubewell electricity connection of the petitioner has been shifted to Rural Feeder and was working.

Vide order dated 11.08.2020, District Judge, Sirsa was directed to appoint a lawyer as Local Commissioner to visit the spot in presence of S.D.O. and to check whether the electricity connection has been restarted or not and if it was not restarted, then the S.D.O. of the

department was directed to ensure that the same was restarted in the presence of both the parties.

In compliance of order dated 11.08.2020, Mr. Vikram, Advocate, District Court, Sirsa was appointed as Local Commissioner who visited the spot along with concerned S.D.O. Sh. Bhagirath Khicchi, DHBVNL Ltd. and the petitioner Sh. Aatma Singh and submitted report dated 28.08.2020. In his report, the Local Commissioner submitted that the S.D.O. restarted the electricity connection in new room (Kotha), where fuse and starter had already been installed by the petitioner. The S.D.O. connected the electricity connection from electric pole to new room (kotha) with new cable wire and had shown the running of electricity by operating the electric tubewell successfully in his presence.

Since the tubewell electricity connection of the petitioner has been restarted from Rural Feeder after shifting it from Urban Feeder to Rural Feeder, the petition has become infructuous and no further proceedings are required to be conducted and no further order is required to be passed in the matter.

Accordingly, the present petition is disposed of as having become infructuous.

07.10.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No