

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5245 of 2021

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Lalita Devi, Wife of Birendra Kuamr Singh, R/o Shri Krishna Nagar,
Aurangabad, Surangabad, Bihar-824101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Energy Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad, Bihar.
3. The South Bihar Power Distribution Compamy Limited through its Managing Director, Vidyut Bhagwan, Bailey Road, Patna.
4. The Executive Engineer Electric, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mayuri, Advocate
		Mr. Kamleshwar Pandey, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC-6
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



- (i) For issuance of a direction, order or writ, including a writ in the nature of mandamus commanding the concerned Respondent Authorities to realign and shift the electric lines from over the plot of the petitioner as he has already deposited the cost as worked out in the letter of the Executive Engineer.
- (ii) For issuance of a direction, order or writ, including a writ in the nature of mandamus commanding the concerned Respondent Authorities to pay suitable compensation to the petitioner as despite the fact that he had paid the amount one year back and had been representing continuously before the Authorities no action was taken by them due to which he was not able to rent his godown for hire and sustained severe financial loss.
- (iii) For issuance of any other relief/reliefs which it may deem to be fit and proper with the facts and circumstances of the present case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation/legal notice of the petitioner dated 27.02.2020, as contained in Annexure - 5 to the writ petition within a fixed time frame.

Learned counsel for the respondents states that the



authority concerned shall consider and dispose of the representation/legal notice of the petitioner expeditiously and preferably within a period of two months.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) The authority concerned shall consider and dispose of the representation/legal notice of the petitioner expeditiously by a reasoned and speaking order preferably within a period of two months from the date of receipt of a copy of this order;

(b) Needless to add, while considering such representation/legal notice, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(c) Equally, liberty is reserved to the petitioner/legal notice to take recourse to such alternative remedies as are otherwise available in accordance with law;

(d) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(e) Liberty reserved to the petitioner to approach the



Court, if the need so arises subsequently on the same and subsequent cause of action;

(f) We have not expressed any opinion on merits. All issues are left open; and

(g) While considering such representation/legal notice, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

