

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1743 of 2021**

- Satish Sejpal S/o Late Tribhuvan Das Sejpal Aged About 61 Years R/o Quarter No. 8- B, Street No. 32, Sector - 7, Bhilai, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Energy, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh State Power Distribution Company Limited Through Its Assistant Engineer, Sector - 1, Bhilai District Durg Chhattisgarh
3. Chanchal Ben Shan W/o Late Ramji Shah Aged About 75 Years R/o 19/4, Nehru Nagar (West) Bhilai, Tahsil And District Durg Chhattisgarh
4. Anil Dabra S/o Asandas Dabra R/o Nehru Nagar (East) Bhilai, District Durg Chhattisgarh. C/o Shankar Glass Centre, 63/b, Shastri Market Power House, Bhilai, District Durg Chhattisgarh

---- Respondents

For Petitioner : Dr. Kumresh Tiwari, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****24/03/2021**

1. Heard.

2. Learned counsel for the petitioner would submit that the electricity connection given to the petitioner is illegally disconnected from the premises wherein the petitioner was carrying his business from 1996. He would further submit that the dispute inter se is in between respondents No.3 & 4 and the litigations are pending in the civil Court and subsequently before the appellate jurisdiction. It is stated that before disconnecting the electricity, the petitioner should have been given the notice.
3. The pleadings as has been made would show that the petitioner was dispossessed from the premises on 23.02.2021 for which a different report was lodged before the police. Subsequently the pleading also shows that on 27.02.2021 certain damages were caused by respondent No.4 for which a separate FIR is also lodged. On 27.02.2021 the electricity supply of the shop was also stopped and the appeal is pending in respect of the issue of the shop before the Court. It is further pleaded that the civil suit was filed on certain cause of action as the petitioner was in possession. Prima facie, it appears that according to the pleading the petitioner himself has pleaded that the petitioner has been dispossessed and the serious dispute appears in between respondent No.3 & 4 and the petitioner claimed the peremptory right according to the pleading. If the petitioner claims before this Court that he is still in possession then it is to be established in the Court of law. In the issue raised before this Court highly disputed question of facts are involved. Under what circumstances the petitioner has been dispossessed and what was the terms of contract or usage for which peremptory right is claimed are also required to be proved. If according to the pleading of the petitioner, he himself is dispossessed for which

the FIR has been lodged, how the restoration of the electricity is claimed is required to be proved qua the possession.

4. Since the disputed question of facts are involved, I am not inclined to make a roving enquiry to find out the possession of the parties for which already a civil suit is pending. If the petitioner claims that the electricity is not been supplied by the erstwhile owner and the petitioner is still in possession, the petitioner can avail the remedy available to him under the common law claiming it as essential service.
5. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu