

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14285 of 2019

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Ramashish Prasad Son of Sidheshwar Prasad Resident of Village- Khirauna,
P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through its Secretary, Vidyut Bhawan, Patna.
2. The Managing Director, South Bihar Power Distribution Company Ltd, Patna.
3. The Executive Engineer, Power Supply Division, South Bihar Power Distribution Company Ltd., Nalanda at Bihar Sharif.
4. The Assistant Engineer, Power Supply Sub Division, Bihar Sharif, Nalanda.
5. The Commissioner, Bihar Sharif Municipal Corporation, Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr.Akhileshwar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-12-2022 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“1. That this is an application for issuance of a writ in the nature of Mandamus or any appropriate writ’s, order’s or direction’s commanding the Respondents for following reliefs-

(i) For directing the respondents to change route of passing through 11000 electric open wire over the residential land of the petitioner pertaining



to Muza Chistiyana Kagji Mohalla, Thana No. 117, Khata No. 7, Khesra No. 74 situated at Bihar Sharif, Nalanda because 11000/open electric wire over the residential land of the petitioner and others has been taken away spite of that 6 ft. wide street in the west side and north side of the petitioner's land is available.

ii. For other order or direction in the facts and circumstances of the case in the interest of justice.

I. That law points involved in this case are as follows-

i. Whether action of the respondents is legal and justify in the facts and circumstances of the case?

ii. Whether 1000/open electric wire can be passed over the private residential land of the petitioner in spite of that both side of the petitioner's land 6ft wide street is available?

iii. Whether action of the respondents is violation of the provision of electricity act?"

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority i.e. Respondent No. 3, namely, The Executive Engineer, Power Supply Division, South Bihar Power Distribution Company Ltd., Nalanda at Bihar Sharif, venting out the grievances, subject-matter



of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/-

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