

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17304 of 2021

=====

Babita Devi Wife of Ashok Kumar Saw Resident of Mohalla - Chitranjan
Road, Purani Bajar, P.S. - Lakhisarai District- Lakhisarai.

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited, through its Chairman,
Vidyut Bhawan, Patna.
2. The Chairman, South Bihar Power Distribution company Limited, Vidyut
Bhawan, Patna.
3. The Electricals Superintending Engineer, Munger.
4. The Electrical Executive Engineer Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate
Mr. Kumar Tiwari, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

=====

**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

=====

Date : 25-01-2022

Heard learned counsel for the parties.

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



- (i) For of Issuance of writ in nature of mandamus directing the Electrical Executive Engineer Lakhisarai, respondent no.4 to shift the electric Pole fixed in Raiyati land of the petitioner which was meant/ fixed specially for electric supply to a small scale industry known as "Balmukund Rod Factory" which has now been closed much earlier and no electric energy passes through that wire.
- (ii) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, 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 which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.



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

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 4 namely the Electrical Executive Engineer, Lakhisarai within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits.

All issues are left open;

(j) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	27.01.2022
Transmission Date	

