

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30947 of 2021

Ganesh Chandra Roy

....

Petitioner

-versus-

The Executive Engineer, TPCODL,

....

Opposite Parties

Ganesh Ghat Power House,

Ganesh Ghat, Cuttack and another.

CORAM: JUSTICE S. PUJAHARI

ORDER

05.01.2022

Order

No.

04.

I.A. No.15968 of 2021

1. This matter is taken up through hybrid mode.
2. This interlocutory application has been filed by the Petitioner with a prayer to amend the cause title of the writ petition by impleading Assistant Manager/JEE Electrical, TPCODL, At-Ganeshghat, P.O.-Chandini Chowk and State of Odisha, represented through the Secretary, Energy Department, Secretariat, Sachivalaya Marg, Bhubaneswar as Opposite Parties in the writ petition.
3. Heard.
4. Considering the submissions made by learned counsel for the Petitioner and the facts stated in this application, the

prayer for amendment of the cause title of the writ petition is allowed.

5. Office is directed to delete the name of Opposite Party No.2-TPCODL, SDO, Peripheri, BCDD2, Bhubaneswar, AT:- SS Vihar Road, Phase-VII, Sailashree Vihar, Chandrasekharapur-II, Bhubaneswar, Odisha-751021 from the cause title of the writ petition and insert the Assistant Manager/JEE Electrical, TPCODL, At-Ganeshghat, P.O.- Chandini Chowk, Cuttack and State of Odisha, represented through the Secretary, Energy Department, Secretariat, Sachivalaya Marg, Bhubaneswar as Opposite Parties No.2 and 3 in the cause title of the writ petition.

6. The I.A. is, accordingly, disposed of.

(S. Pujahari)
Judge

Order

No.

05.

I.A. No.16388 of 2021

1. This Interim Application has been filed by the interveners-Durga Rani Roy, Rama Chandra Roy and Shyam Chandra Roy with a prayer to implead them as Opposite Parties in the writ petition.

2. Heard.

3. Considering the submissions made and the facts stated in this application, the prayer for impletion of Durga Rani Roy, Rama Chandra Roy and Shyam Chandra Roy as Opposite Parties in the writ petition is allowed.

4. Office is directed to insert the names of Durga Rani Roy, Rama Chandra Roy and Shyam Chandra Roy as Opposite Parties No.4 to 6 in the cause title of the writ petition.

5. The I.A. is, accordingly, disposed of.

(S. Pujahari)
Judge

Order
No.
06.

W.P.(C) No.30947 of 2021

1. Heard.

2. Heard the learned counsel for the parties.

3. The grievance of the Petitioner in this case is that he being a co-owner of a property in question where two electricity connections are there, has sought for a new electricity connection, but due to disturbance of Opposite Parties No.4 to 6-co-owners, the Opposite Party-Utility Company is not supply the electricity connection. Hence, a direction may be given to the Opposite Parties in this regard.

4. Learned counsel for the Petitioner submits that there is no impediment for supply of third electricity connection, as there is no electricity dues in respect of other co-owners, the Petitioner should not have been denied with the electricity connection, particularly when he has applied for the same and made necessary deposits, but due to intervention of Opposite Parties No.4 to 6-co-owners, the Opposite Party-Utility Company is not supply the same. As such, police protection may be given to the Opposite Party-Utility Company to supply the electricity connection.

5. Mr. S.C. Dash, learned counsel appearing for the Opposite Party-Utility Company submits that Opposite Party-Utility Company has no objection to supply the electricity connection as no other dues is pending and they are ready and willing to supply the electricity connection and also, if required, they can take police assistance, but due to intervention of Opposite Parties No.4 to 6-co-owners, they are unable to supply the same.

6. Mr. Rabindra Kumar Patnaik, learned counsel appearing for the Opposite Parties No.4 to 6-co-owners submits that since the Petitioner has been enjoying a electricity connection already existing in the name of deceased co-owner, he is not entitled to seek other connection only for the purpose of creating evidence with regard to civil suit pending. In such

premises, he submits not to allow the prayer made by the Petitioner.

7. However, on consideration of the facts and submissions made of the learned counsel appearing for the parties, though police protection is sought for, but none of the parties has not made the police as a party in this case and Opposite Party-Utility Company is ready and willing to supply the electricity connection, if required, with the police protection, this Court disposes this writ petition with a direction to the Opposite Party-Utility Company to provide a fresh electricity connection to the Petitioner, if other things are complied, within a period of two months hence and, if required police protection, they may sought for and cost, if any, be realized from the Petitioner.

8. Furthermore, it is made clear that supply of the electricity connection shall not be use as a piece of evidence in the civil suit by the Petitioner in any manner.

(S. Pujahari)
Judge

DA