

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 34505 OF 2022

Kalucharan Swain

....

Petitioner

Mr. Manoj Kumar Mohanty, Advocate

-versus-

The Superintending Engineer,

....

Opp. Parties

TPCODL, Bhubaneswar and others

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.12.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Executive Engineer (Electrical), TPCODL, Bhubaneswar not to disconnect power supply in respect of Consumer No. 103-S-03203214 corresponding to present Consumer Account No.80030477816 in respect of the shop room of the Petitioner standing over Plot Nos.220, 220/1248 and 220/1249 under Khata No. 69 in mouza Bhubaneswar Town, Unit No.31, Laxmi Sagar-2.
3. It is submitted by Mr. Mohanty, learned counsel for the Petitioner that the Opposite Party No. 3, namely, Pradeep Kumar Nayak, without any semblance of right, title and interest had moved this Court in W.P.(C) No. 29246 of 2022, which was disposed of vide order dated 14th November, 2022 with a direction that in the event the Petitioner therein makes a fresh application within a period of ten days enclosing relevant documents for disconnection of power supply to the premises, the same shall be

considered and disposed of by the Executive Engineer (Electrical), TPCODL, Bhubaneswar as expeditiously as possible preferably within a period of three weeks from date of filing of such application along with certified copy of the said order.

3.1 It is his submission that the Opposite Party No.3 is neither title holder nor recorded tenant in respect of the said premises. With an intention to evict the Petitioner from the said premises, the Opposite Party No. 3 has adopted unfair means and has made an attempt to disconnect power supply from the shop room of the Petitioner. Further, the Opposite Party No. 3 has already alienated the property in favour of third party, namely, Sisirkanta Swain and others. It is his submission that pursuant to the direction of this Court, the Opposite Party No. 2 is bent upon to disconnect power supply to the premises of the Petitioner from which he is earning his livelihood. Hence, this writ petition has been filed.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that in the event the Petitioner files an application within a period of seven days along with certified copy of this order for reconsideration of the order, if any, passed pursuant to the direction in W.P.(C) No. 29246 of 2022 to disconnect power supply from the aforesaid premises, the same shall be considered in accordance with law, giving opportunity of hearing to the parties concerned.

5. Till disposal of the application, as aforesaid, within the stipulated period, power supply to the shop room of the Petitioner shall not be disconnected.

Urgent certified copy of this order be granted on proper application.

bks

(K.R. Mohapatra)
Judge

