

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4110 OF 2021

(Aqueel Ahmad s/o Hifzul Kabir Vs. The State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.Zia Qazi, Advocate for the petitioner.

Shri D.P. Thakare, Additional Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 26, 2022.

The challenge raised in this Writ Petition is to the communication dated 24/12/2020 by which the petitioner's request for grant of permission to take electricity connection from the service provider to the petitioner's land bearing Khasra No. 78, Mouza – Mohgaon Zilpi, Tahsil – Hingna, District – Nagpur has been rejected. While rejecting that application, it has been stated that the said connection would be required to pass through about 700 meters of land which falls within the area of protected forest. It is also stated that between the petitioner's Survey No. 78 at a distance of about 50 meters there is a tar road and this area of 50 meters falls within the forest area.

In the reply filed on behalf of respondent Nos. 1 to 3, it has been stated in paragraph 10 that an alternate way is available to the petitioner to seek supply of electricity to his land. In paragraph 11, it has been stated that the petitioner being an agriculturist can take the electricity connection from the side of the plot of land where the State highway is adjacent to his field. This will be required to be done under the provisions of the Forest (Conservation) Act, 1980.

In the light of the aforesaid, the learned Counsel for the petitioner, on instructions, submits that a fresh application seeking grant of permission to take electricity connection in the manner stated in the affidavit-in-reply would be moved. The petitioner is permitted to move such fresh application in the light of the statements made in the aforesaid affidavit. If such application is accordingly made to respondent No.3, the same shall be considered in accordance with law and preferably within a period of six weeks from receiving such application.

The Writ Petition is disposed of with the aforesaid directions. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT