

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3503 of 2022

Md. Shaheed Alam son of Md. Nashir Resident of Mohalla- Boring Canal Road, Flat No.- 43, Ashray Kathma Apartment, Raj Ji Ki Gali, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Energy Department, Government of Bihar, Patna.
2. The General Manager, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna- 1.
3. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna- 1.
4. The Electric Executive Engineer, PESU, Electric Supply Division, Nutan Rajdhani, Patna.
5. The Assistant Engineer, Revenue Electric Supply Division, Nutan Rajdhani, Patna.
6. The Junior Engineer Electrical MLA Flat, Patna.
7. Bijay Pandey son of Late Ram Rekha Pandey Resident of Village-Bishunpur, P.S.- Barahara, District- Bhojpur (Ara), Presently Residing at-Kunti Kunj, Budh Nagar, Road No.- 3, South Chandwari Road, Kankarbagh, Patna.
8. Arun Kumar Pandey son of Late Ram Rekha Pandey Resident of Village-Bishunpur, P.S.- Barahara, District- Bhojpur (Ara), Presently Residing at-Kunti Kunj, Budh Nagar, Road No.- 3, South Chandwari Road, Kankarbagh, Patna.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Jai Kishore Sharma, Adv.
For the Respondent/s : Mr. Subhash Pd. Singh (Ga3)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 06-07-2023

Learned counsel for the petitioner has stated that the cause in the present writ petition does not survive as the Corporation has restored the power connection. Therefore, learned counsel for the petitioner has stated that he is not pressing for the



hearing of the case. But, the learned counsel appearing on behalf of the respondent-landlords has vehemently opposed the above said submission made by the counsel for the petitioner and stated that the restoration of power is based on the interim orders passed by this Court, wherein the petitioner was directed to deposit the arrears of rent therefore, the petitioner is bound to pay the rent but till date he has not paid the same. Learned counsel for the respondent-landlords has further stated that the interim order of this Court has also been confirmed by the Hon'ble Supreme Court. That the petitioner is legally bound to pay the admitted rents due to the respondent-landlords and the petitioner cannot be allowed to withdraw the case and prayed this Court to pass orders on merit duly taking into account the interim orders passed by this Court.

A perusal of the prayer sought for in the present writ petition is that the petitioner is seeking the restoration of the power connection which has been disconnected illegally by the Corporation. This Hon'ble Court vide order dated 16.05.2023 passed in the present writ petition has ordered for reconnection to be made. A perusal of the order dated 16.05.2023 passed in the present writ petition shows that the same is a conditional order and the said order has worked itself out, irrespective of the fact whether the said order has been confirmed by the Hon'ble



Supreme Court or not, the fact remains that the interim orders have worked itself out.

It is already stated that the respondent-landlords have approached the Civil Court for eviction of the petitioner and in case the respondent-landlords have any grievance, they are free to file an appropriate application in the pending suit for eviction for deposit of the rents and on such application being made, the Court shall consider the same on its own merit.

This Court is not inclined to entertain the prayer made by the respondent-landlords and the writ petition is accordingly dismissed as withdrawn.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.07.2023.
Transmission Date	N/A

