

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6902 of 2013

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Neeraj Kumar S/O Late Ram Pravesh Sharma R/O Village- Chapaur, P.O.- Akauna, P.S.- Masaurhi, District- Patna And Presently Residing At Mohalla- Indrapuri, House No. 3/10, Road No. 3, P.O.- Keshri Nagar, P.S.- Patliputra, Town and District- Patna

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board and Ors Vidyut Bhawan, Bailey Road, Bihar, Patna
2. The Secretary Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Bihar, Patna
3. The Executive Electrical Engineer Electric Supply Division, Patliputra, Patna
4. The Assistant Electrical Engineer Electric Supply Sub Division, Patliputra, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Adv. Mr. Venkatesh Kirti, Adv.

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

13 05-02-2024 1. Learned counsel for the petitioner has stated that the petitioner is the tenant of one landlady (Neeta Sinha) in respect of the subject property. That due to some disputes with the petitioner, the landlady had given a requisition to the electricity department requesting them to discontinue the electricity service connection which was in existence at the time of taking the subject premises on lease and the department has acted on the said request of the landlady and disconnected the service connection. Learned counsel has stated that thereafter



the petitioner has applied to the authority concerned for giving him a fresh electricity connection and the authority vide Annexure -1 Letter No. 97 dated 04.03.2013 have directed the petitioner to supply the following documents:-

(a) Attested true copy of valid rent Agreement.

(b) Attested true copy of permission of landlord along with proof of ownership of the premises.

(c) Details of connected load.

2. Learned counsel for the petitioner has stated that the petitioner has already submitted the copy of the valid rent agreement between the petitioner and the original landlord (Neeta Sinha) and also the details of the connected load. However, learned counsel for the petitioner has stated that in so far as the NOC of permission of the landlady sought by the authorities is concerned, it is stated that due to the dispute between the landlady and the petitioner, the question of giving any permission by the landlady does not arise. Therefore, the petitioner left with no other option has approached this Hon'ble Court. Learned counsel has also stated that this Hon'ble Court vide order dated 03.04.2013 duly taking note of the above mentioned facts has directed the authorities concerned to grant



temporary electricity connection and the authorities have already given the said connection and the same is continuing till date. Further, the learned counsel for the petitioner has stated that the landlady, in the meanwhile, has filed a Title Eviction Suit No. 33 of 2013 against the petitioner and the same is pending before the file of Sub-Judge-I, Patna. That the subject property was sold subsequently to some other third party.

3. Learned counsel has stated that the authorities may be directed to give regular connection pending the disposal of the above mentioned title suit filed by the landlady.

4. Learned counsel for the respondents authorities has stated that pursuant to the directions given by this Hon'ble Court, the authorities have already given the service connection to the petitioner and pending the suit for eviction they will not take any coercive steps against the petitioner provided. That the authorities are willing to abide by any direction that may be given by this Court.

5. Having regard to the above made facts and circumstances, the authorities are directed to give a regular connection to the petitioner by converting the temporary connection given to the petitioner. However it is made clear that the same shall be subject to the judgment and decree likely to be



passed in the Title Eviction Suit No. 33 of 2013. It is further made clear that the petitioner shall continue to pay the electricity charges as levied by the department from time to time. Further, it is also made clear that the connection given pursuant to the orders of this Court shall not be construed as title of possession by the trial court and the trial court shall decide the title suit on its own merits on the evidence adduced.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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