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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4847/2024, CM APPL. 19832/2024 & 19833/2024**

DHANWANTI DEVI AND ANR.

..... Petitioners

Through: Mr. Sandeep Mandar, Mr. Nishant
Kumar, Mr. Ajay Malik and Mr. Amit
Kumar, Advs.

versus

TATA POWER DELHI DISTRIBUTION LIMITED & ORS.

..... Respondents

Through: Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advs. for R1.
Mr. Abhinav Sharma, Mr. Mahendra
Shukla, Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

03.04.2024

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1. The present petition has been filed by the petitioner seeking the following prayers:-

“(i) Issue an appropriate writ in the nature of mandamus or any other appropriate writ directing the respondent no.1 to immediately restore the electricity of C.A NO. 60002593667 & 60026164248, installed at property bearing no. 2231/170 & 2231A, Gali No. 170, Ganesh Pura, Tri Nagar, Delhi – 110035,

ii) Issue an appropriate writ in the nature of mandamus or any other appropriate writ to stay the operations/effect of the letter dated 19.02.2024 of the officer of respondent no. 2 qua the electricity connection bearing C.A NO. 60002593667 & 60026164248, whereby request has been made to the respondent no.1 to disconnect the electricity connection.

(iii) Issue a Writ of Mandamus of any other appropriate writ, order of directions in the nature thereof directing the respondent no.1 and respondent no.2 to hold departmental inquiry against the concerned



and erring officials of their concerned department, for illegally disconnecting the electricity of the petitioners,

(iv) Award compensation of Rs. 10,00,000/- (Rupees Ten Lakhs Only) in favour of the petitioners and against the respondent no. 1 and respondent no.2 for the harassment and mental agony caused to them,

(v) Cost of the petition also be awarded in favour of the petitioners and against the respondent no.1 and respondent no.2; and”

2. Learned counsel for the petitioner submits that the electricity connections at the premises of the petitioner were disconnected by the respondent/MCD, pursuant to a drive being conducted by the MCD for removal of illegal dairy farm/s in the locality in question.

3. It transpires during the course of hearing that the said drive for removal of illegal dairy farms was being conducted pursuant to order dated 04.09.2019 passed by the Division Bench of this Court in W.P.(C) 679/2016, 7663/2017 & 459/2018.

4. The operative directions of the said order dated 04.09.2019 are as under:-

“In view of the aforesaid, it appears that steps have been taken by the respondents and it is expected from the respondents that they shall continue to take action against illegal dairy farms as also take steps with regard to the cattle etc., as pointed out in the status report. If any dairy farm is being run without license, as per the aforesaid office memorandum dated 19th August, 2019, the respondents shall take action of sealing and then closing them down by disconnecting electricity, water and drainage connections.”

5. Learned counsel for the MCD who appears on advance notice submits that the concerned premises with regard to which the present petition has been filed, were found to be misused for the purpose of illegal dairy farm/s and consequently the said premises were sealed.

6. Learned counsel for the petitioner refutes that the premises in question



was used for the purpose of running any illegal dairy farm/s. He submits that the premises are required by the petitioner solely for residential purpose, and that grave prejudice is being caused to the petitioners on account of denial of electricity.

7. After some hearing, respective counsel for the parties are in agreement that the petitioner shall make a representation to the respondent seeking that the premises in question be de-sealed and the electricity connections bearing C.A NO(s). 60002593667 & 60026164248 installed at the concerned premises be restored. It is directed accordingly.

8. Learned counsel for the petitioner submits that the petitioner is willing to abide by such conditions as may be imposed by the MCD for de-sealing of the property and shall also abide by the conditions imposed by the respondent no.1 for restoring the aforesaid electricity connections.

9. The respondent/MCD is directed to pass a speaking order and take the requisite decision within a period of 10 days from today. The MCD shall duly take into account the contention of the petitioner/s that there can be no justification for denying electricity to the residents of the first and the second floor of the concerned premises, which Could not have been possibly used for running any illegal dairy farm/s.

10. The present petition, alongwith pending application/s stand disposed of with the aforesaid directions.

11. Needless to say, in case the petitioner/s is aggrieved thereby, it shall be entitled to take appropriate steps in accordance with law.

APRIL 3, 2024/at

SACHIN DATTA, J