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

+ **W.P.(C) 7090/2024, CM APPL. 29592/2024 – STAY**

LEKHRAJ

..... Petitioner

Through: Mr. Nishant Kumar, Mr. Sandeep Mandar, Mr. Ajay Malik and Mr. Amit Kumar, Advs. alongwith petitioner in person.

versus

TATA POWER DELHI DISTRIBUTION LIMITED & ANR.

..... Respondents

Through: Mr. Manish Srivastava, Adv. alongwith Mr. Moksh Arora, Mr. Santosh Ramdurg and Mr. Yash Srivastava, Advs. for R-1.

Mr. Sanjeev Sagar, standing counsel for MCD and Ms. Nazia Parveen, Mr. Ayush, Ms. Preety Pandey, Mr. Raja Singh, Mr. Gaurav Grag, Ms. Kriti Arora, Mr. Narsingh Yadav, Ms. Tanshi Arora, Mr. Mool chand Sharma Advocates for the respondent/MCD.(through VC)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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22.05.2024

CM APPL. 29593/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7090/2024

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



“(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. 60022385243 & 60002984189 installed at properties bearing no. 2245, 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. 60022385243 & 60002984189 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 petitioner,

(iv) Award compensation of Rs. 10,00,000/- (Rupees Ten Lakhs Only) in favour of the petitioner 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 petitioner and against the respondent no.1 and respondent no.2;

and (vi) Any other or further relief which this Hon'ble Court may deem fit and proper also by passed in favour of the petitioner and against the respondent no.1 and respondent no.2.”

2. Vide the communication dated 19.02.2024 which has been impugned vide prayer (ii) of the present petition, the MCD had intimated to the Dy. Commissioner of Police, District North-West, Ashok Vihar, that there are various illegal dairies being run from the area in question and therefore requisite assistance was sought for the purpose of a demolition drive that was scheduled in the area.

3. It is consequent to the aforesaid action of the MCD that the electricity connections of the petitioner's premises were disconnected.



4. Learned counsel for the petitioner draws attention to the fact that *vide* representation dated 12.04.2024 addressed to the Dy. Commissioner of Police, District North-West, MCD, it has been informed that the property of the petitioner i.e., Plot No. 2245/170, Ganesh Pura, Tri Nagar, Delhi-110035 is used for residential purpose and the petitioner is in no way connected with the illegal dairies or any other work which is unlawful or which amounts to any misuse. Accordingly, it was submitted that the electricity connection of the petitioner's premises has been wrongly disconnected and the same is causing immense inconvenience to the petitioner and his family members. It was also requested that necessary steps be taken to grant an NOC for restoration of the electricity connection *qua* the petitioner's premises in question.

5. Learned counsel for MCD, who appears on advance notice submits that the property shall be jointly inspected along with respondent no.1 and if no misuse is found to be subsisting therein, immediate steps shall be taken to intimate the respondent no.1 for restoration of the electricity connection of the petitioner.

6. It is assured and undertaken that the inspection shall be held within a period of one week from today and in case there is no impediment for restoration of the electricity connection of the petitioner, the necessary communication shall also be sent to the respondent no.1 immediately thereafter.

7. Needless to say, the petitioner shall provide such undertaking/affidavit, as may be sought by the respondent no.1 or the respondent no.2 to ensure that there is no misuse of the property in question in future.



8. With the aforesaid directions, the present petition, along with pending application/s, is disposed of.

SACHIN DATTA, J

MAY 22, 2024/gb