

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1732 of 2025

Nibha Kumari W/o Ravi Shankar, R/o Mohall East of Murli Hill Telbigha,
Royal Colony, PS- Kotwali, Gaya, District- Gaya ... Petitioner
Versus

1. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
2. The Electrical Superintending Engineer, Electricity Supply Circle of the South Bihar Power Distribution Company Ltd., Gaya.
3. The Sub-Divisional Officer-cum-Electrical Executive Engineer, Electricity Supply Division. Sadar Division Gaya
4. Avinash Kumar S/o Late Gauri Shankar Prasad, R/o Mohall East of Murli Hill Telbigha, Royal Colony, PS- Kotwali, Gaya, District- Gaya
... Respondents

Appearance :

For the Petitioner/ : Mr.Ajit Kumar, Adv.
For the Respondents : Mr.Vivek Prasad (Standing Counsel)

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

7 02-05-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

a) For issuance of writ in the nature of MANDAMUS commanding the respondent authorities, particularly respondent no.-3 and each of his men, agents and associates to provide new electric connection by installing new domestic metre in the name of the petitioner at the residence of the petitioner i.e. at Mohall East of Murli Hill Telbigha, Royal Colony, PS- Kotwali, Gaya, District-Gaya, Ward No.-17, Holding No.-184/198 with immediate effect upon complying with all formalities.

b) For issuance of writ in the nature of MANDAMUS



commanding the respondent authorities, particularly respondent no.-3 to allow the application (Annexure-P/2 of the petitioner for an electric connection and allow her to deposit the requisite amount for supply of electricity to the aforesaid premises of the petitioner in view of the order passed by the Hon'ble Supreme Court in Civil Appeal No.7572/2011 (Sri Chandu Khamaru Vs. Smt. Nayan Malik and others), wherein it has been held that the owner/ occupier of the premises has a statutory right for an electric connection and it is the duty of every licensee under section 43 of the Indian Electricity Supply Act, 2003 to give supply of electricity to such premises within a month.

c) For holding than in view of Clause- 4.13 (B) of the Bihar Electricity Supply Code, 2007, even the person, who in not able, to produce the proof of ownership of the premises are allowed to take electric connection on submission of certain documents.

d) For issuance of any other appropriate writ/writs order/orders, direction/directions to which the instant Petitioner may be found entitled under the facts and circumstances of the case.

3. It is a case of the petitioner that she is a resident of Mohalla East of Murli Hill Telbigha, Royal Colony, Gaya, Distrit Gaya, Ward No. 17, Holding No. 184/198 and she has



applied for new electricity connection in her name. However, the authorities have not passed any order till date. Learned counsel appearing on behalf of the petitioner has stated that her husband is the son of Late Gauri Shankar Prasad and he is presently working in the armed forces and posted on the borders that the petitioner being his legally wedded wife has filed an application seeking new connection. Further it is stated by the learned counsel that there is an existing electricity connection in the name of her late father-in-law and Respondent No. 4 who is her own brother-in-law is creating impediments in getting a new connection. Counsel has stated that the factum of residence of the petitioner in the subject premises is not being denied by the Respondent-Authorities and therefore the non-granting of the electricity connection is contrary to the provisions of the Electricity Code/the Act and also the judgment of the Hon'ble Supreme Court passed in Civil Appeal No. 7572 of 2011 (Sri Chandu Khamaru Vrs. Smt. Nayan Malik & Ors.). Learned counsel has therefore prayed this Hon'ble Court to allow the present Writ Petition and direct the Respondent-Authorities to give electricity connection to the petitioner.

4. In the counter affidavit filed by the Respondents the factum of the application made by the petitioner has not been



denied. The only ground on which the electricity connection is not being given is that there is partition suit pending, filed by the Respondent No. 4 herein. The earlier application made by petitioner before the said Civil Court in the said partition suit has been dismissed. Further it is stated that the petitioner has to submit proof of ownership/lease deed or any other document to substantiate her claim in the property. Counsel has stated that in case the petitioner submits the above mentioned document the authorities are ready to give electricity connection.

5. Admittedly, as seen from the record that husband of the petitioner is a party Respondent in the partition suit filed by the Respondent No. 4 herein. The husband of the petitioner is one of the legal heir of Late Gauri Shankar Prasad and therefore it cannot be said that the petitioner does not have any right over the subject property. Further it is to be noted that the authorities are not denying the fact that the petitioner is in possession of the residence at Mohalla East of Murli Hill Telbigha, Royal Colony, Gaya, Distrit Gaya, Ward No. 17, Holding No. 184/198 for which the petitioner is seeking new electricity connection. Once it is found that the petitioner is the resident of the said premises the authorities are legally bound to issue her fresh connection without insisting for any document to show either she is the



owner/lessee of the property. This Court is of the opinion that the non-granting of the new electricity connection to the petitioner is an arbitrary exercise of power not vested with the authorities.

6. The authorities are directed to give a fresh electricity connection to the petitioner as per her application as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that granting of the new electricity connection shall not be considered by any Court to prove that the petitioner is the owner or lessee of the subject premises. The granting of the new electricity connection will in no manner effect the rights of any third party owner

7. With the above direction the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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