

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14980 of 2018

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Dharmshila Devi Wife of Rajendra Kumar Das, Resident of N.H.-31, Road, Dharmganj Chowk, Near Indira Takij, Ward No.20, P.S.-Kisanganj, District-Kisanganj, Bihar.

... .. Petitioner/s

Versus

1. The Managing Director North Bihar Distribution Company Ltd. Vidyut Bhawan Bailey Road, Patna.
2. The Secretary Bihar State Power Holding Distribution Company Limited Vidyhut Bhawan, Baily Road, Patna.
3. The Executive Engineer North Bihar Electric Power, Distribution Company Sub Division Kisanganj.
4. The S.D.O.North Bihar Electric Power Distribution Company Ltd. Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Adv.
For the NBDCL	:	Mr. Kunal Tiwary, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-07-2025

1. The Writ petition is filed seeking a direction to the respondents to allot an electricity connection in the name of the petitioner for the house in which the petitioner is residing with her family, and deposited an amount of Rs. 75/- and Rs. 400/-, along with the affidavit proforma on 02.12.2013.



2. The brief facts, as culled out from the Writ petition, are that the petitioner is resident of the house since 1990, which was constructed over Khesara No. 110 (33) at village Dharmaganj Chowk, N.H. 31 Road, Kishanganj District. She executed an affidavit before the Executive Magistrate, Kishanganj, for obtaining an electricity connection, on 02.12.2013. The landlord of the house intended to sell the house and the land. As per the *Baybeyana* dated 04.06.2006, the house owner permitted the petitioner to renovate the old house and construct a new one on the said land. Thereafter, the petitioner applied for the electricity connection. Later, the landowner refused to execute the sale deed in favour of the petitioner. The petitioner was constrained to file a Title Suit, bearing T.S. No. 11 of 2009, against the house owner, which is pending before the Learned Sub-Judge No. 1, Kishanganj. Thereafter, the petitioner submitted an application before the Executive Engineer on 20.03.2014 for issuance of an electricity connection in her name. As the electric



connection was not provided the petitioner residence, she was constrained to file the present Writ petition. Further, paragraph 19 of the Writ petition disclose that the petitioner had earlier approached this Court by way of CWJC No. 7334 of 2014, which was dismissed on technical grounds vide order dated 30.03.2018.

3. A detailed counter affidavit was filed by the respondent-Electricity Department. A preliminary objection was raised regarding the maintainability of the Writ petition, as the earlier Writ petition, i.e., CWJC No. 7334 of 2014, had been dismissed vide order dated 30.03.2018.

4. The operative portion of the order in CWJC No. 7334 of 2014, reads as follows:-

5. Having heard Learned counsel for the parties and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of any merit. A copy of the counter affidavit has been served upon the petitioner as far back as on 22.12.2014 through her counsel but however no rejoinder to the same



has been filed. Hence, the facts stated in the counter affidavit must be taken as admitted. The petitioner has also not impleaded the persons who are said to have purchased the properties from respondent No. 5, by registered sale deed even after lapse of over three years. The main contention on behalf of the respondent-Power Company with regard to non-eligibility of the petitioner for electric connection in view of Clause 4.13 of the Electric Supply Code has thus not been denied.

6. The Writ petition accordingly stands dismissed.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the records.

6. It is evident from the present Writ petition that the petitioner has again raised similar grounds.

7. On perusal of the said order, it is evident that this Court had considered the matter on merits and dismissed the Writ petition. If at all the petitioner was aggrieved by the said order, she



ought to have filed an LPA against the same. Filing a second Writ petition for the same cause of action which was decided by the Court, is not maintainable in the eye of law. Therefore, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.07.2025
Transmission Date	

