

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9198 OF 2024

Shri. Machhindra S/o Chandru Thokale

...Petitioner

Versus

Sunder Jeevan CHS

Through its Prior Chairman/Secretary Mr. Gaikwad
& Ors.

...Respondents

Mr. Vaibhav V. Ugale for the Petitioner.

Ms. Deepika Mule i/b Manoj Kondekar for Respondent No. 1.

Mr. Rohit Sakhadeo for Respondent No. 2-CIDCO.

Mr. Kiran Gandhi i/b Little & Co. for Respondent No. 3.

Mr. Rajesh Tekale for Respondent No. 4.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 9 APRIL 2025

P.C. :

1. This petition under Article 226 of the Constitution of India has prayed for the following substantive reliefs :-

“a) that this Hon’ble Court be pleased to pass appropriate writ, order and direction directing the respondents to forthwith restore the electricity and water connection in respect of the property i.e. the property situated at Room No. 23, Plot No. C-6, Sector – 6, New Panvel 410206, on such terms as this Hon’ble Court may deem fit and proper.

b) that this Hon’ble Court be pleased to pass appropriate writ, order and direction directing the respondents to consider

the representations made by the petitioner on 20 May 2024 and 20 June 2024 on such terms as this Hon'ble Court may deem fit and proper."

2. We have heard learned counsel for the parties. The basic grievance of the Petitioner is on disconnection of the electricity supply, as also disconnection of the water supply.
3. Insofar as the disconnection of electricity supply is concerned, Mr. Gandhi, learned counsel for Respondent No. 3-Maharashtra State Electricity Company, on instructions, has made a statement that the Petitioner would be required to fill up the online application form and immediately on such application being made the same would be considered and electricity supply to the Petitioner's premises shall be restored. Let this procedure be undertaken and completed within two weeks from today. Considering that the Petitioner is presently in occupation of the premises and subject to the right and contentions of Respondent Nos. 1, 2 & 4.
4. Any dispute on the possession of the premises and for rights of the Petitioner to occupy the same, shall be subject to the outcome of the pending suit between the Petitioner and Respondent Nos. 1, 2 & 4.
5. In the event there is any appropriate order of the Civil Court, Respondent No. 3 would be entitled to take appropriate procedure as governed by law and to disconnect the electricity supply of the Petitioner's premises.
6. All contentions of the parties in that regard are expressly kept open.
7. Insofar as disconnection of the water supply is concerned, we find that Respondent No. 1-Sunder Jeewan CHS has taken action to disconnect the water supply to the Petitioner's unit. As we find that there is a dispute between the parties, which is pending and subject matter of the Civil Suit, however, water being an essential requirement for the

human livelihood, we direct Respondent No. 1 to immediately restore the water supply connection to the Petitioner's unit and it shall be subject to appropriate orders, which may be passed by the Civil Court in the pending Suit. Said orders be forthwith complied on the copy of this order being made available.

8. We have passed the aforesaid order considering the peculiar facts of the case and on basic human considerations and the right to livelihood as being canvassed before us by the Petitioner, as also the rights under Article 14 of the Constitution of India.

9. We keep open all contentions of the parties in the civil dispute, which is pending.

10. Petition shall stand disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

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