2026:AHC:210138-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 27293 of 2026

Himanshu Kulshrestha

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohit Verma, Sachida Nand Tripathi
Counsel for Respondent(s)	:	C.S.C., Gaurav Chauhan, Gaurav Tripathi, Mridul Shekhar Tripathi

Court No. - 21

HON'BLE ARINDAM SINHA, J.
HON'BLE KUNAL RAVI SINGH, J.

1. Petitioner seeks electric connection. His grievance is, the supply company rejected his application on communication dated 25th May, 2026. Mr. Mohit Verma, learned advocate appearing for petitioner on moving the petition had submitted, his client and his brother both inherited the property under Will. While the brother was given electric connection, his client was denied. State was represented, when the petition was moved. Paragraph 2 from order dated 10th August, 2026 is reproduced below.

> *"2. Mr. Ashim Mukherjee, learned advocate, Standing Counsel appears for State. Mr. Gaurav Tripathi, learned advocate appears for respondent nos.3 and 4 (the supply company) and submits, there is existing connection in the house. Inspection revealed no physical separation. On query he submits, the existing connection was given some time in year 2021. On further query as to what was the situation prior thereto, he seeks adjournment to obtain instructions. He points out, the brother has not been made a party. Mr. Verma submits, there be direction to add his client's brother as party."*

There was direction for adding the brother as respondent no.5. Notice was served and Mr. Gaurav Chauhan, learned advocate appears for added respondent. Mr. Gaurav Tripathi submits, petitioner is not in separate settled possession in respect of the premises. He submits further, there is existing connection to the premises. Mr. Chauhan draws attention to

petitioner's complaint dated 16th November, 2025 made to the police. He points out, petitioner himself had said that the premises is under lock and key. In reply Mr. Verma draws attention to paragraph 17 in the writ petition to assert his client's claim to possession. Paragraph 17 is reproduced below.

> *"17. That the petitioner having separate 2/3rd possession and is operating electricity through diesel generators and thus facing difficulty in getting basis necessity of electricity."*

2. The assertion indicates claim of possession. Law is clear that a person in settled possession is entitled to electric connection. The view was taken by the Calcutta High Court on **judgment dated 11th February, 2011** in **Abhimanyu Mazumdar Vs. The Superintending Engineer** reported in **AIR 2011 Cal64**

3. In this case petitioner's claim of possession is in dispute and we have been shown petitioner himself saying that the premises is under lock and key. There is also existing connection. We will not enter into disputed questions of fact. Petitioner must find his remedy.

4. The writ petition is disposed of.

(Arindam Sinha,J.)

(Kunal Ravi Singh,J.)

October 7, 2026
Mohini

Digitally signed by :-
MOHINI RAI
High Court of Judicature at Allahabad