

(2020) 10 SHI CK 0450
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2842 Of 2020

Amar Singh And Another

APPELLANT

Vs

H.P State Electricity Board And Others

RESPONDENT

Date of Decision : 14-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0450

Hon'ble Judges : Sureshwar Thakur, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Devender K Sharma, T.S Chauhan, Hemant Vaid, Hemanshu Mishra
Vikrant Chandel, Shalini Agnihotri, Vijay Verma, Jagdish Thakur

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. The petitioners seek rendition of a mandamus, upon, respondent No.1, for, the latter ensuring purveying of electricity, vis-a-vis, their homesteads.

Co-respondents No. 6 and 7, are, disclosed in the writ petition, to be, creating impediments/obstacles, in, the erection(s) of electricity poles, rather for

the requisite purpose, on, the ground, that, the electricity poles occur, or, would occur within the domain(s) of their respective estates.

2. Consequently, for ensuring a workable solution being placed before this Court, this Court made a direction on 16.9.2020, upon, the officers

enumerated therein, and, in pursuance thereof Ms. Shalini Agnihotri, S.P Mandi is present in Court, and, has placed on record the apposite elicited

report. Copies of the report supplied.

3. A perusal of the report discloses that, if, the electricity poles become shifted, from, the extant location, in as much, as, from the outer door of co-

respondent No.6, to, behind the cowshed of co-respondent No.6, thereupon the electricity wires, as, are to run from one pole to other, would not run over or hang over the respective abodes of co-respondents No. 6, and, 7.

4. Consequently, since it is an enjoined constitutional duty hence imposed upon this Court to, ensure purveying of electricity to the homesteads of the

writ petitioners, moreso, it being, an, insegregable component, of, the constitutionally enshrined fundamental right, to life, (a) thereupon, this Court

makes a mandamus upon respondent No.1, qua its ensuring within 5 days from today, erection(s) of electricity pole(s) hence each carrying a height of

80 feet, and, theirs/its becoming installed behind the cowshed of co-respondent No.6, and, thereafter theirs reaching, upto, the homesteads, of, the writ

petitioners. Moreover in the afore work of installation(s), the S.P, Mandi is directed, to, remain present on the spot alongwith all staff concerned, and,

also alongwith all officials concerned, of, the revenue department, and, also of co-respondent No.1, rather for ensuring, that at the relevant site there

occur(s), no impediment/obstacles, at the instance of any person. It is also reiterated that all the afore, shall, ensure that electricity to the homesteads

of the petitioner, shall be, positively supplied within five days from today.

5. In view of the above, the present petition stands disposed of, alongwith, all pending applications.

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