

(2019) 11 MP CK 0157
In the Madhya Pradesh High Court
Case No : Writ Petition No. 24357 Of 2019

Dulari Bai

APPELLANT

Vs

State Of Madhya Pradesh And Ors.

RESPONDENT

Date of Decision : 22-11-2019

Acts Referred:

Madhya Pradesh Electricity Code, 2013 — Rule 4.1
Constitution Of India, 1950 — Article 226

Citation : (2019) 11 MP CK 0157

Hon'ble Judges : G.S. Ahluwalia, J

Bench : Single Bench

Advocate : Yogesh Singhal, R.K. Upadhyay

Final Decision : Dismissed

Judgement

This petition under Article 226 of the Constitution of India has been filed seeking following relief:-

"It is therefore, most humbly prayed that this petition may kindly be allowed and the respondents may kindly be directed to take the action on the representation of the petitioner as per direction of the higher authorities issued vide Annexure P/4 & P/5.

Any other relief in the peculiar facts and circumstances of the case may kindly be granted."

It is submitted by the counsel for the petitioner that the petitioner is owner and in possession of the land bearing survey Nos. 2506, 2507 and 2508 situated at By-pass Road, Bhind, which was purchased by her by registered sale deed dated 24.05.1998.

Two electricity connections having service numbers 5172332000 and 8833732000 have been issued in the name of one Munnalal Kushwah and electricity connections having service numbers 5358666012 and 8095223455

have been issued in the name of Ravindra Singh Kushwah.

It is submitted that Rule 4.1 of the Madhya Pradesh Electricity Code, 2013 provides that the connection will be provided to the owner of the property and occupier of the property and accordingly, the petitioner made several representations to the authorities and submitted that all four connections have been provided without any proof of ownership or occupancy and requested to take action over the illegal connections.

The petitioner has also filed an application under Right to Information Act to supply the documents on the basis of which the connections have been provided, however, no such documents have been given and accordingly, it is submitted by the counsel for the petitioner that various representations have been made but no action has been taken.

It is submitted that the grievance of the petitioner is that the electricity connections have been wrongly issued to some persons, who are not having any proof of ownership or occupancy, therefore, their electricity connections should be disconnected.

Heard the learned counsel for the petitioner.

It is the case of the petitioner that she had purchased the property in question by registered sale deed dated 24.05.1948. Except by mentioning that she is in possession of property in question, no documents have been filed to show her possession. Even the petitioner has not filed any document that she has raised any construction over the said property or resides in the same. The petitioner has not clarified in which premises the four disputed electricity connections have been given. Thus, it appears that the petitioner wants to ensure the disconnection of the questioned electricity connections. Thus, question of title is not established in the present case.

Accordingly, this Court is of the considered opinion that no direction can be given to the respondents unless and until the petitioner establishes her title or ownership over the land in dispute. Therefore, petition is dismissed with liberty to file civil suit to establish her title or possession over the property.