
(1995) 11 AHC CK 0067
In the Allahabad High Court
Case No : Writ Petition No. 3162 of 1995

Jagmohan Lal

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 13-11-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 11 AHC CK 0067

Hon'ble Judges : D.K.Trivedi, J and O.P.Pradhan, J

Final Decision : Disposed Of

Judgement

1. The present writ petition was filed by the petitioner, who is a resident of village Riwan, block Mahmoodabad, district Sitapur, praying for a writ of mandamus commanding the opposite parties to electrify the Gram Panchayat Riwan and provide electric connection to the persons who have applied for forthwith on the ground that the village in question has already been shown as electrified in the year 1972. The petitioner has also filed a photostat copy of the electricity bill issued in favour of Pradhan of village Riwan, Block Mahmoodabad district Sitapur demanding the electricity charges, and letter dated 851995 alleged to be written by one Executive Engineer showing that the village Riwan has been shown as electrified in the year 1972 but in fact there is no electricity in the village nor even electric polls have been stalled there. It is strange thing that the village had been shown as electrified in the year 1972 but even after a lapse of 23 years, no electricity has been provided. At the time of filing or writ petition, we directed the counsel for the Electricity Board as well as the Standing Counsel to obtain instructions and also directed the presence of the Executive Engineer in person before the court. In compliance of the said order, Sri Rajendra Prasad Pandey, the Executive Engineer, Electricity Distribution Division, Sitapur is present and Sri S. M. K. Chaudhary, counsel for the Electricity Board has also received instructions. Sri Chaudhary admits that the allegations mentioned in the writ petition are correct and in fact there is no electricity in the village, nor electric polls have been stalled in the village. He further stated that the electricity

bill, contained in Annexures 2 and 5 have already been withdrawn. Sri Rajendra Prasad Pandey, the Executive Engineer aforesaid stated that in the year 1972, this village was shown as electrified in records and, therefore, in 1990 a direction had been given to realise the dues from the village Pradhan on the basis of consumption corresponding to (10+2) bulbs (100 wt. bulb). He further "stated that on the basis of audit report for realisation of electricity dues, the bill was issued but when he received complaints, he made an enquiry and found the facts correct. As the facts are not disputed and it is also not disputed that the village was shown electrified in 1972 on papers, therefore, it is the moral duty of the Board to get the village electrified forthwith.

2. In the circumstances, we disposed of this writ petition with a direction to the opposite parties to get the village electrified within a period of three months from today. The writ petition is disposed of finally with cost, which is assessed at Rs. 1,000. The cost, will be paid within a period of one month to the petitioner's counsel by the Electricity Board.