
(1986) 11 RAJ CK 0009
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1766 of 1986

Smt. Ajeet Kaur

APPELLANT

Vs

City Magistrate

RESPONDENT

Date of Decision : 13-11-1986

Acts Referred:

Citation : (1987) 1 WLN 252

Hon'ble Judges : D.L. Mehta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dinker Lal Mehta, J.—Heard learned Counsel for the parties.

2. It is an admitted fact that the petitioner is a tenant and respondent No. 5 is a land lord. Without taking note of the dispute between the landlord and the tenant's rights and about the arrears it was considered proper by this Court that the respondent No. 3 and 4 may be directed to give water and electricity connection after realisation of the dues if any. The land-lord does not come into picture at all. I think that every tenant has a right to have the electricity and water and that right cannot be denied in the modern times. The respondent No. 3 and 4 are directed to restore and maintain the connection of the petitioner, if they pay regularly the electricity and water dues. The consent of the land-lord in the matter of giving a connection to the tenant is not all necessary. It is the occupier who is getting a connection. The question that there should be the consent of the land-lord is against the norms of the present society and no law provides that there should be a consent of the land-lord. Even if there are administrative instructions they will not come into the way and the tenant will have a right of connection directly from the respondent Electricity Board and the Public Health Engineering Department at their own cost and they will be liable to pay the dues according to the rates fixed. The security and other amount will also be deposited by the tenant if not deposited so far.

3. In the facts and circumstances of the case, I accept this writ petition and issue directions to the respondents No. 3 and 4 to restore and maintain the connections after realising the dues if any. However, it is made clear that in case the tenant fails to make payment of the dues in future the respondents No. 3 and 4 will be at liberty to disconnect the connections.

4. The writ petition is disposed of accordingly.