
(2013) 03 AHC CK 0330
In the Allahabad High Court
Case No : C.M.W.P. No. 8842 of 2013

Smt. Sarala Devi

APPELLANT

Vs

U.P. Power Corporation and Others

RESPONDENT

Date of Decision : 22-03-2013

Acts Referred:

Citation : (2013) 99 ALR 114

Hon'ble Judges : Yogesh Chandra Gupta, J; Satya Foot Mehrotra, J

Bench : Division Bench

Judgement

Satya Poot Mehrotra and Yogesh Chandra Gupta, JJ.—The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India, inter alia, praying that the respondents be directed not to lay down the electricity line through the agricultural field (plot No. 1065) situated in village Jewan, Tehsil Punwaya, District Shahjahanpur. It is, inter alia, averred in the writ petition that the petitioner is the tenure holder of the aforesaid plot, which is being used for agricultural purposes.

2. The respondents No. 1 to 5 are laying down the electricity line on the aforesaid plot of the petitioner, which would cause irreparable damage to the petitioner.

3. We have heard Sri R.J. Shahi, learned Counsel for the petitioner, Sri Shivam Yadav, learned Counsel for the respondents No. 1 to 5 and the learned Standing Counsel appearing for respondent No. 7.

4. Sri Shivam Yadav, learned Counsel for the respondent Nos. 1 to 5 submits that for redressal of his alleged grievances, as raised in the present writ petition, the petitioner has got an alternative remedy of approaching the District Magistrate under the provisions of Rule 3 of the Works of Licensees Rules, 2006.

5. It is further submitted by Sri Shivam Yadav, learned Counsel for the respondent No. 1, that in fact the petitioner has already submitted a

representation before the District Magistrate, Shahjahanpur (respondent No. 7) on 15.3.2013 as per the averments made in the supplementary-affidavit, filed on behalf of the petitioner.

7. Sri R.J. Shahi, learned Counsel for the petitioner further submits that the respondent No. 7 is not entertaining the representation submitted by the petitioner.

6. Having regard to the facts and circumstances of the case and having considered the submissions made by the learned Counsel for the parties and keeping in view the nature of controversy involved in the present writ petition and also the provisions contained in Rule 3 of the Works of Licensees Rules, 2006, we are of the view that that the interest of justice would be sub-served, if the writ petition is disposed of with the following directions:

(1) The petitioner will make a fresh representation before the respondent No. 7 alongwith a certified copy of this Order within six weeks from the date of receipt of certified copy of this Order.

(2) On receipt of such representation alongwith certified copy of this Order, as mentioned above, the respondent No. 7 will proceed to consider the same and pass speaking order thereon in accordance with law, expeditiously, preferably within a period of two months from the receipt of the said representation, after giving reasonable opportunity of hearing to the petitioner and the respondents No. 1 to 6 as well as all concerned persons.

The writ petition is, accordingly, disposed of with the above directions.