



2026:AHC:202704-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 51747 of 2012

Fanindra Das

.....Petitioner(s)

Versus

The General Manager and another

.....Respondent(s)

Counsel for Petitioner(s)	: B.K. Tripathi, Pramod Kumar
Counsel for Respondent(s)	: Rakesh Kumar Mishra, SC

AFR

Judgement Reserved on 23.07.2026

Judgement Delivered on 28.09.2026

Court No.-5

**HON'BLE PRAKASH PADIA, J.
HON'BLE VIVEK SARAN, J.**

(Per: Hon'ble Vivek Saran, J.)

1. Heard Sri Pramod Kumar, learned counsel for the petitioner and Sri Rakesh Kumar Mishra, learned counsel for respondent-North Eastern Railway, Gorakhpur and none for the respondent no.4 i.e. Purvanchal Vidyut Vitran Nigam Ltd. Gorakhpur.

2. The instant petition has been filed with the following reliefs:-

*“A- ISSUE, a writ order in the nature of certiorari quashing
the impugned order dated 26.7.2011 and impugned order dated*

9.5.2012 passed by Respondent no.3 and Respondent no.1 against the petitioner, the application for the installation of New Electric connection or transfer the existing electric connection in the name of petitioner has been turned down and the rejected by authorities, Respondent Railway depriving the petitioner from electric supply.

B. ISSUE, a writ order/ direction in the nature of suitable mandamus commanding the respondent Railway authorities transfer the existing electric connection operating since 1978 in the name (late) Mahanat Aniruddha Das father of the petitioner and his elder brother and restore the supply of the petitioner by same through Sub-meter dividing the in favour of the petitioner."

3. Learned counsel for the petitioner submitted that there exists a temple within the Railway Colony at Ballia where his deceased father late Aniruddha Das was a 'Mahant' and during his lifetime, the electricity connection was provided by the Railway Authorities but after his death the same has been denied citing that there was some dispute amongst the petitioner and his brother namely Makardhwaj Das. He submits that the reasoning contained in the order impugned dated 9.5.2012 are that on the land appurtenant to the said temple, there are houses existing on private land and under the directions of the Governor of Uttar Pradesh issued in December, 1978, an electricity connection was provided to mahant Aniruddha Das and the same is still continuing and used by Makardhwaj Das. However, vide Railway Board's letter dated 30.9.1996, no

electricity connection can be provided on the private land by the Railway Administration and, therefore, no electricity connection can be given to the petitioner.

4. Learned counsel representing the respondent-Railway has reiterated the stand taken by the respondent in their impugned communication dated 9.5.2012. He has further placed reliance on the Railway Board order dated 30.09.1986 which categorically provides that electricity connection may be given to private parties/public Government Department if they are connected with the Railway working and are also authorized occupants of Railway land.

5. No counter affidavit has been filed by the respondent no.4 i.e. Purvanchal Vidyut Vitran Nigam Ltd. Gorakhpur nor anybody is present for the said respondent.

6. Having heard learned counsel for the parties and perused the record, it is clear that the Railway have denied granting of electricity connection to the petitioner citing certain reasons since the place where the petitioner wants an electricity connection is situated in the midst of the property belonging to the Railways and, therefore, it can be fairly presumed that an electricity connection can only be granted by the Railway Authority.

7. In view of various legal pronouncements now, the right to life as enshrined under Article 21 of the Constitution of India is not limited to be basic animal needs of man. In an organised society, right to live as a human being would not be possible without adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure

air and water, electricity, sanitation and other civic amenities like roads etc.

8. The Hon'ble Supreme Court in **re. Chameli Singh and others Vs. State of U.P. and another**¹ while dealing with human rights in an organized society in para 8 of the judgement has held as under:-

"8. In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any Civilised society implies the right to food, water, decent environment education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to

¹ (1996) 2 SCC 549

shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live, should be deemed to have been guaranteed as a fundamental right. As is enjoined in the Directive Principles, the State should be deemed to be under an obligation to secure it for its citizens, of course subject to its economic budgeting. In a democratic society as a member of the organised civic community one should have permanent shelter so as to physically, mentally and intellectually equip to improve his excellence as a useful citizen as enjoined in the Fundamental Duties and to be useful citizen and equal participant in democracy. The ultimate object of making a man equipped with a right to dignity of person and equality of status is to enable him to develop himself into a cultured being. Want of decent residence, therefore, frustrates the very object of the Constitutional animation of right to equality, economic justice, fundamental right to residence, dignity of person and right to live itself. To bring the Dalits and Tribes into the mainstream of national life providing these facilities and opportunities to them is the duty of the State as fundamental to their basic human and constitutional rights."

9. The Hon'ble Supreme Court in re. **Dilip (Dead) Vs. Satish and others**², while determining the right to have electricity connection to a tenant has held it to be a basic amenity. Para 9 of the judgement reads as under:-

“It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question.”

10. The coordinate Bench of this Court while deciding **Writ-C No.2072 of 2026 (Preeti Sharma Vs. State of U.P. and 7 others)**³ has also taken note of the fact that access to electricity connection is fundamental right under Article 21 of the Constitution of India. Relevant para no.4 reads as under:-

"4. In our view, the application having been made by the petitioner should be considered by the respondents-authorities taking into consideration the fact the petitioner is very much residing in the said premises and is entitled to get electricity connection, as the same is a Fundamental Right guaranteed under Article 21 of the Constitution of India. We are also of the view that the appropriate bond may be taken by the petitioner and thereafter, electricity be given to the petitioner

2 2022 SCC OnLine SC 810

3 2026:AHC-LKO:25531-DB

within four weeks from the date after compliance of all the formalities by the petitioner. Thus, order of rejection passed by the authorities for not granting the electricity is quashed and set-aside."

11. Thus it is the abundant duty of the respondents to ensure that the petitioner have accessibility to basic human need and in modern times, electricity is an indispensable need to live.

12. In the given case, the electricity connection to the petitioner ought to have been granted by the Railway Authorities except under the condition where the law disentitles the same. It is a matter of concern that although the respondents do not dispute the living of the petitioner at the place but have denied electricity connection to him and have thereby forced him to live without it for last more than a decade.

13. In view of the aforesaid discussion, the writ petition succeeds and is **allowed**, the impugned orders dated 26.7.2011 and 9.5.2012 passed by Respondent no.3 and Respondent no.1 are quashed and the respondent no.1/The General Manager, North Eastern Railway, Gorakhpur is directed to provide electricity connection to the petitioner within 30 days from the date of presentation of certified copy of this order unless there is statutory impediment.

14. No order as to cost.

(Vivek Saran,J.) (Prakash Padia,J.)

Dt.28.09.2026
Gaurav Kulshrestha