



2026:AHC-LKO:70870-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 9115 of 2026

Rakesh Kumar Mishra

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Energy Deptt.
Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	S.K. Tripathi, Neeraj Pandey
Counsel for Respondent(s)	:	C.S .C . , Aprajita Bansal

Court No. - 5

HON'BLE ALOK MATHUR, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Vakalatnama filed today by Sri Shrikant Tripathi, Advocate on behalf of the opposite party no. 5 is taken on record.

2. "Heard learned counsel for the petitioner, Sri Avinash Tiwari, holding brief of Ms. Aparajita Bansal appearing on behalf of Opposite Party Nos. 2 to 4, and Sri Shrikant Tripathi, learned counsel for the opposite party no. 5.

3. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial reliefs:-

"(I) to issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 28.07.2026 passed by Opp. Party No. 3 as contained in Annexure No. 2 to the writ petition.

(II) to issue a writ, order or direction in the nature of mandamus commanding the Opp. Parties to grant the petitioner a fresh domestic electric connection in the House No. A-20/30 Kranti Puri, Jail Garden Road, Raebareli. "

4. It has been submitted on behalf of the petitioner that the petitioner is residing at premises situated at A-20/30, Kranti Puri, Jail Garden

Road, Raebareli. There is a dispute with regard to title and ownership of the said building with Opposite Party No. 5, which is pending before the court of Civil Judge (Junior Division), Court No. 16, Raebareli in Regular Suit No. 160 of 2021 (Umesh Chandra v. Rakesh Kumar Mishra). The dispute has also transversed into and extended to the application of the petitioner for grant of an electricity connection.

5. It has been submitted by the learned counsel for the petitioner that the petitioner had applied for an electricity connection on the basis of a will deed executed by the predecessor-in-interest of the said property in Writ-C No. 25613 of 2020. During the proceedings of that petition, it was informed that the will executed in favor of the petitioner had been cancelled, and consequently, the petitioner had withdrawn the said petition.

6. Subsequently, the petitioner preferred another petition for grant of a fresh domestic electricity connection by filing Writ-C No. 3815 of 2026, which was disposed of by this Court vide order dated 08.06.2026, directing respondent No. 5 therein (Executive Engineer, Vidyut Vitran Khand-I, Raebareli, who is Opposite Party No. 3 in the present writ petition) to decide the application of the petitioner within a period of one week in accordance with law.

7. It has been submitted that pursuant to the direction of this Court, the claim of the petitioner has been considered and rejected by means of the impugned order dated 28.07.2026. While rejecting the application of the petitioner for grant of a fresh electricity connection, it has been observed that such a connection can only be granted where a person demonstrates rights in the property by adducing either a registered sale deed, succession certificate, or no-objection certificate. Since the petitioner did not produce any of the said documents, the application was rejected.

8. Learned counsel for the petitioner submits that a perusal of Clause 4.4 of the Electricity Supply Code, 2005, would indicate that apart from the above documents, even on an indemnity form as per Annexure 4.2 of the Supply Code, a fresh electricity connection has to be considered and granted by the respondents.

9. Learned Counsel for Opposite Party No. 5 has vehemently opposed the petition, submitting that the petitioner is not the owner of

the property and that the suit regarding right, title, and interest is pending before the Civil Judge (Junior Division), Raebareli; therefore, during the pendency of the said proceedings, an electricity connection cannot be granted to the petitioner.

10. Considering the rival contentions, this Court is called upon to adjudicate upon the validity of the order dated 28.07.2026 passed by the Executive Engineer, Vidyut Vitran Khand-I, Raebareli. It is noticed that while rejecting the claim of the petitioner, Opposite Party No. 3 has only considered a portion of Clause 4.4 of the Electricity Supply Code, 2005, for the sake of convenience. Clause 4.4 (a) (i) is quoted herein below:-

"4.4 Processing of Application for Supply:

(a) Application for new connections, in prescribed form (Annexure 4.1) and complete in all respects and accompanied by the prescribed Registration-cum-processing fee, shall be filed in duplicate in the office, specified by the Licensee, along with -attested true copies of the following documents:

(i) Proof of ownership of the premises in the form of registered sale deed or partition deed or succession or heir ship certificate or deed of last will or Proof of occupancy such as valid power of attorney or latest rent paid receipt or valid lease deed or indemnity form as per Annexure 4.2. Order Copy of appropriate court, in case of litigation regarding ownership of the premises, has to be enclosed."

11. A perusal of the aforesaid clearly indicates that apart from adducing documents like a registered sale deed, succession certificate, or NOC, a person can also submit an indemnity form as per Annexure 4.2 of the Code. It clearly indicates that even a person who may not be the owner of the land would still be entitled to the grant of a fresh electricity connection in case the person is ready and willing to pay the outstanding dues and furnish the indemnity bond.

12. According to this court, the right to accessibility of electricity has a substantial constitutional connection with Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. The expression "life" occurring in Article 21 has consistently received a

broad and purposive interpretation and is not confined to mere physical existence. It encompasses those conditions that enable an individual to live with human dignity.

13. In contemporary society, access to electricity has become closely connected with the meaningful enjoyment of such dignified life. Electricity facilitates several basic and essential activities, including lighting, access to water, cooking, refrigeration, communication, education, healthcare and livelihood. The increasing dependence of modern life upon electricity therefore provides a constitutional basis for treating access to electricity as an enabling condition for the effective enjoyment of rights protected under Article 21. Thus, we hold that access to electricity constitutes an important element of a dignified life and derives constitutional protection principally through Article 21, read in light of the values of human dignity, shelter, health, education and livelihood, and reinforced by Article 14 and the Directive Principles of State Policy. The Electricity Act, 2003 and the regulations framed thereunder provide the statutory framework through which such access is operationalized.

14. At the same time, this constitutional privilege does not amount to an unconditional right to free or unlimited electricity. The entitlement remains subject to the requirements of the applicable statutory framework, including lawful charges, technical conditions, safety requirements and other legitimate regulatory requirements. What the constitutional principle guards against is arbitrary, discriminatory or legally impermissible denial of access, particularly where electricity is necessary for the meaningful enjoyment of life, shelter and human dignity.

15. The Supreme Court in ***Chameli Singh v. State of U.P (1996) 2 SCC 549***, treated the right to shelter as an essential component of the right to life and emphasized that shelter must mean more than a roof over one's head; it must permit a person to develop and live with dignity. Electricity, in the conditions of contemporary life, may operate as an important component or enabling facility associated with such meaningful habitation. This understanding has also found expression in decisions dealing specifically with electricity supply. We find in many cases, this court has recognized electricity as a basic amenity and have held that a person in lawful or actual occupation of premises cannot ordinarily be denied electricity merely because of a dispute between the occupant and the landlord or because the

landlord has failed or refused to furnish a No Objection Certificate. The electricity authority's inquiry is ordinarily directed towards determining the applicant's occupation and compliance with the applicable statutory and technical requirements, rather than adjudicating private title disputes.

16. In the present case, it is stated that the petitioner is ready and willing to submit the indemnity form, and in case he is so willing, this Court sees no reason why the same could have been denied by Opposite Party No. 3. To that extent, we find that the impugned order is illegal and arbitrary and deserves to be set aside.

17. In light of the above, the **writ petition is allowed**. The matter is remitted to Opposite Party No. 3 to pass a fresh order in accordance with law. In case the petitioner is ready and willing to adduce the indemnity form, the connection shall not be rejected merely on the ground of pendency of title disputes before a competent civil court.

18. Accordingly, Opposite Party No. 3 is directed to consider and decide the application of the petitioner afresh, expeditiously, say within a period of 10 days from the date a certified copy of this order is produced before him, in accordance with law. In case he decides to allow the application, let the electricity connection be provided to the petitioner forthwith.

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(Abdhash Kumar Chaudhary,J.) (Alok Mathur, J.)

October 5 , 2026
Anuj Singh