2026:AHC:210895-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - C No. - 23621 of 2026

Seeta Ram Patel

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Dwivedi
Counsel for Respondent(s)	:	C.S.C., Narendra Kumar Tiwari

Court No. - 21

HON'BLE ARINDAM SINHA, J.
HON'BLE INDRAJEET SHUKLA, J.

1. Grievance of petitioner and the controversy will appear from paragraphs 1 to 3 of order dated 24th August, 2026, reproduced below.

> *"1. Grievance of petitioner is, the supply company has fixed electric poles and run supply wires over his land and house for purpose of providing electricity connection to private respondent no.5. Mr. Rajesh Dwivedi, learned advocate appears on his behalf.*
>
> *2. Mr. R.K. Mishra, learned advocate holding the brief appears for respondents no.3 and 4 (the supply company). He submits, counter has been filed. He refers to report dated 31st May, 2025 of the Lekhpal bearing signature, inter alia, of petitioner. It is stated therein that the poles have been erected on 'chak' land. He opposes the writ petition. Mr. Sharad Chandra Upadhyay, learned advocate, Standing Counsel appears for State.*
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> *3. On behalf of petitioner photographs were handed up earlier. There is no dispute regarding the images. They show the wires drawn, if not over, very near petitioner's land and property. The wires have also been drawn through branches of the trees. The Lekhpal, in said report dated 31st May, 2025 recorded apprehension of petitioner, of imminent danger. In the circumstances, the supply company will file additional affidavit specifically referring to alignment of the wires and their clear statement that it poses no danger, either to petitioner or of accidental electrification of the trees through which they run. The affidavit will be accepted on adjourned date, upon advance copy served."*

2. Pleadings in the writ petition are complete. Subsequent thereto the supply company filed supplementary affidavits respectively dated 3rd September, 2026 and 9th September, 2026, latter being the 'better'

affidavit. Mr. Mishra draws attention to paragraph 10 in the 'better' affidavit and photographs annexed to show that the branches have been cut so that there is no contact with the transmission wires. Paragraph 10 is reproduced below.

> *"10. That the concerned Junior Engineer, 33/11 KV Electricity Sub-Station, Phoolpur, Tehsil Phoolpur, District Prayagraj, has intimated to the answering respondent and ensured the electrical safety. For kind perusal of this Hon'ble Court, the copy of the order dated 29.08.2026 is being filed herewith and marked as Annexure No.2 to this affidavit."*

3. Mr. Rajesh Dwivedi, learned advocate appearing for petitioner submits, even now there exists imminent danger inasmuch as, the wires carrying high voltage electricity are old wires having joints. On query he refers to paragraph 8 in the writ petition and paragraph 4 in the rejoinder supported by photographs showing the joints. The rejoinder is dated 23rd August, 2026 and bears endorsement of service on 24th August, 2026. The supply company has filed the two supplementary affidavits subsequent to copy of the rejoinder received.

4. Declaration of the supply company made by paragraph 10 in its affidavit dated 9th September, 2026 is accepted subject to the old wires being replaced by new. Petitioner will communicate certified copy of this order to respondent no.4. In event competent authority of the supply company furnishes certificate to petitioner certifying that the existing wires pose no risk, in that event there may not be replacement. Either way there is to be compliance within three weeks of the communication.

5. The writ petition is disposed of.

(Arindam Sinha,J.)

(Indrajeet Shukla,J.)

October 8, 2026
Salim

Digitally signed by :-
SALIM PRAVEJ
High Court of Judicature at Allahabad