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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/528/2026

NILIMA BORO KALITA
D/O MOTIRAM BORO, R/O VILL. DHEKENABARI, P.S. CHHAYGAON, PIN
781124, DIST. KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, REVENUE DEPTT., DISPUR, GUWAHATI 6

2:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED

REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR
4TH FLOOR
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-781001
DIST. KAMRUP (M)
ASSAM

3:THE SUB-DIVISIONAL ENGINEER

CHHAYGAON ELECTRICAL SUB-DIVISION
APDCL
LAR
CHHAYGAON
PIN-781124
DIST. KAMRUP
ASSAM

4:THE ASSISTANT GENERAL MANAGER

MIRZA ELECTRICAL DIVISION
APDCL
MIRZA
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR S H SIKDAR, MR. S HUSSAIN,MR S HOQUE

Advocate for the Respondent : SC, APDCL,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

06.02.2026

Heard the learned counsel for the petitioner.

2. The petitioner claimed to be in possession of land measuring 3 kathas covered by Dag No.218 and 604, Patta No.44 of Revenue Village: Dhekenabori, Mouza Chhaygaon Pantan. The said land was purchased by a registered Deed of Agreement duly executed on 28.12.2023. The said land is under the possession of the petitioner and pursuant to the formalities being completed the electricity connection of the APDCL was issued to the petitioner's residence. Although the petitioner is in peaceful possession of the land, the registration of the sale deed could not be completed as a civil case being pending in respect of the land which was purchased. Subsequently, while the petitioner was in possession of the said land with the electric connection and regular payment of the dues, she was served of the notice on 03.12.2025, whereby the electric connection was removed on the ground of objection raised by the complainant namely, Smt. Lakhmi Kalita. She had filed a representation before the APDCL authority on

11.12.2025 requesting to restore the electricity connection which had not been redressed as a consequence thereof, she approached this Court.

3. The learned counsel for the petitioners also submits that she is without any electricity connection therefore, during the pendency of the writ petition direction be issued to the APDCL authorities for restore connection of the electricity in her residence.

4. Mr. K.P. Pathak, learned Standing Counsel, APDCL submits that at this stage he would like to complete his required instructions. He however, fairly referring to the judgment of the Apex Court rendered in *Dilip (Dead) Through Lrs. Vs. Satish and Others* reported in *2022 SSC OnLine SC 810* to submits that the Apex Court had held that electricity being a basic connection, dispute to the ownership or the title of the land cannot be a ground for disconnection so long as the subscriber is found to be in due possession of the property.

5. The copy of the said judgment has been placed before the Court.

6. Upon careful perusal of the said judgment and while permitting the respondent to complete their instructions, though notices are not issued at this stage, this Court directs the APDCL authorities to forthwith restore the electricity connection to the said premises as the electricity being a basic amenity of which a person cannot be deprived.

- 7.** The continuation of the connection will be subject to such orders being passed in this writ petition by the Court.
- 8.** List this matter again on 20.02.2026.
- 9.** Extra copies of the writ petition shall be furnished to the learned Standing Counsel, APDCL.

JUDGE

Comparing Assistant