

13.10.2020  
Item No.9  
Ct. No.10  
CHC

**W.P.A.7367 of 2020  
C.A.N.1 of 2020  
(Via Video Conference)**

**Chanchal Kumar Nandy  
Vs.  
Union of India & ors.**

Ms. Papiya Chattopadhyay  
...for the petitioner

Mr. Kunaljit Bhattacharjee  
...for the respondents

C.A.N.1 of 2020 is application for urgent consideration of the writ petition. The application is disposed of by taking up the writ petition for consideration.

Petitioner seeks electricity connection.

Learned advocate appearing for the electricity company submits that the petitioner is in unauthorised occupation of a government property. The petitioner retired from service long back. The petitioner was not found at the residence when the electricity company went to energize the meter.

Learned advocate appearing for the petitioner submits that the petitioner retired in 2001. There is a

proceeding under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 pending as against the petitioner. There is no estate officer to continue with such proceeding. The petitioner being of advanced age and having a medical condition, required treatment outside Farakka where the quarter is located. The petitioner was absent from quarter for some period of time for the medical condition. Upon return, the petitioner found that the meter connection was disconnected. She submits that there are no arrears so far as the electricity consumption is concerned. The petitioner is staying with his family members at the quarter concerned.

As the Writ Court faced with an application for connection of electricity supply, is required to consider as to whether, the petitioner is in settled possession of the property or not. The petitioner admittedly is at a quarter in respect of which, there is a proceeding under the Act of 1971 pending. As on date, the petitioner is yet to suffer an order of eviction. The petitioner therefore, can be construed to be in settled possession of the quarter. The petitioner being unsettled possession of such quarter, the petitioner is entitled to electricity connection thereat.

In such circumstances, the electricity company will proceed to energize the existing meter in the name of the petitioner upon complying with all formalities and

paying all costs, charges and expenses in respect thereof. Such exercise be completed within seven days from the date of communication of this order to the appropriate authority and compliance of the formalities and payment of costs, charges and expenses of the petitioner.

W.P.A.7367 of 2020 is disposed of.

**(Debangsu Basak, J.)**