

19
03.03.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

W.P.A. 502 of 2020

**Smt. Asha Sutradhar
Vs.
State of West Bengal and Others.**

Mr. Sandip Mandal
Mr. Suraj Rajak
Mr. Somnath Saha.....for petitioner

Mr. Sudipta Kanta Bhowmik
Ms. Dipti Bhowmik.....for WBSEDCL

Mr. Debabrata Dhar
Ms. Paramita Sahu..... for the State

Ms. Madhushri Dutta Majumder
... for respondent Nos. 7 to 11.

The petitioner says that the petitioner has made an application for fresh electricity connection at her own premises which is duly recorded in her name. The petitioner is in possession of such premises and is also paying the municipal rates and taxes as also the land revenue in respect of thereof. The application was made on 23-11-2019.

It is the case of the petitioner that due to strong objection and resistance from the side of the private respondents and their associates, the personnel of the

respondent Nos. 2 and 3 could not give the fresh connection despite the petitioner having complied with all legal formalities.

The private respondents say that there is a dispute over the title of the land in question between the private respondents and the petitioner and a civil suit in connection thereof is pending before the competent Civil Court. The petitioner should not be granted any electric connection as the same may be used by the petitioner as proof of her possession and to claim other rights in respect of the disputed property.

The Electricity Company says that they have no objection in giving the connection but having been prevented by local people, the new connection could not be given.

Without going into the controversy as to the title of the concerned premises and holding that electricity connection that may be given pursuant to the instant order is not be a measure of either possession or source of right over the premises in question, I pass the following order :-.

The respondent Nos. 2 and 3 are directed to grant fresh electricity connection to the petitioner subject to the petitioner complying with all legal necessities and formalities.

The private respondents are requested not to create any hindrance or put up any resistance to the petitioner's receiving new electricity connection.

In the event, the respondent Nos. 2 and 3 feels that police assistance is required for effecting the new connection, the said respondent can request the petitioner to approach the Commissioner of Police, Siliguri Commissionerate being the respondent No. 6 herein, for necessary police help and the said Commissioner on all legal formalities being complied with by the petitioner shall render all co-operation including providing security people to carry out the work.

Needless to mention the costs and expenses for the police help that may be required has to be borne by the petitioner.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Urgent certified photostat copy of this order, if applied for, be supplied to the parties upon observance of requisite formalities.

(Arindam Mukherjee, J.)