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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1084 of 2021

Md. Sawoof Khan & Anr.
Vs.
CESC Limited & Ors.

Mr. Rajdeep Bhattacharya,
Mr. Shabaz Alam
... For the petitioners.

Mr. Subir Sanyal,
Ms. Smita Pal
.... For CESC Limited.

Affidavit of service filed in Court today is
taken on record.

The petitioners allege that CESC Limited
and in particular, the District Engineer, Southern
Regional Office, being the respondent no.2, has taken
a decision to change the place of installation of the
electric transformer from an appropriate place within
the petitioners' premises. This installation, according
to the petitioners, will affect the free ingress and
egress from the petitioners' premises to the main
municipal road. The petitioners say that the co-
owners of the premises no.497 Chowbhaga Raod,
Anandapur, Ward no.108, Kolkata - 700107,
(hereinafter referred to as the said premises) have
inter se decided amongst themselves for providing a
particular portion of the said land for installation of a

transformer by CESC Limited. The said decision has been changed to instal the transformer on the eastern side of the said premises as recorded hereinabove.

On behalf of CESC Limited, it is submitted that there has been no decision between the petitioners, the CESC Limited and the other co-owners of the said premises regarding installation of transformer at a particular place within the said premises as yet. CESC Limited has also not taken any steps for installing any transformer in front of the eastern side of the petitioners' premises. On behalf of CESC Limited it is further submitted that unless specific permission is obtained from Kolkata Municipal Corporation (in short, KMC) inasmuch as the petitioners' premises is within the KMC area, the question of installing any transformer on the municipal road, in front of the petitioners' property, cannot and does arise. As of now there is no such decision from the side of CESC Limited for installing any transformer on the municipal road in front of the eastern side of the petitioners' premises.

In view of the submissions made on behalf of CESC Limited, I find that the apprehension on behalf of the petitioners is uncalled for at this stage. The writ petition is accordingly disposed of giving the petitioners a liberty to approach any forum, including

this Court, as may be advised, with regard to any attempt being made by CESC Limited for installing a transformer on the municipal road in front of the petitioners' premises at the eastern side thereof blocking ingress and egress of the petitioners.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance of the necessary formalities.

(Arindam Mukherjee, J.)