

19.01.2021
Sl. No.12
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 869 of 2020

Parul Biswas
Vs.
CESC Limited & Ors.

Mr. Sudipta Dasgupta,
Mr. Arkadeb Biswas

....for the petitioner.

Mr. Debjit Mukherjee

....for CESC Limited.

The petitioner had applied for a new electricity connection at the premises situated in Sabek Dag No.1516, Hal Dag No.1616, Khatian No.2772 (Hal), L.R. 5498 in Block & Police Station – Sankrail, District – Howrah (hereinafter referred to as the said premises) from CESC Limited, the licensee. The petitioner says to have complied with all formalities, but has not been given connection and as such, has been compelled to file the present writ petition.

On behalf of CESC Limited, it is submitted that it was and still is ready and willing to give connection to the petitioner but due to the resistance from the respondent no.4 (private respondent), the connection could not be given. A copy of the written objection made by the respondent no.4 to the CESC Limited regarding his objection for grant of connection to the petitioner is made over to the Court and the same is taken on record.

The respondent no.4 remained unrepresented on 10th December, 2020 as such, the matter was adjourned with a direction upon the petitioner to cause a fresh service on the respondent no.4. The affidavits

of service respectively affirmed on 11th January, 2021 and 13th January, 2021 are taken on record.

On perusal of the affidavit of service affirmed on 13th January, 2021, it appears that the respondent no.4 has received the letter but remains unrepresented even today.

After considering the written objection of the respondent no.4, I find that the respondent no.4 is claiming to be the owner of the plot of land wherein the petitioner is seeking connection. The respondent no.4, however, admits that the petitioner, being his sister, is residing at the premises-in-question.

The right, title and interest of the plot-in-question cannot be gone into by the writ Court while hearing an application under Article 226 of the Constitution of India for a direction upon the licensee to give a new connection. Since the possession of the petitioner is admitted by the respondent no.4, the petitioner is entitled to an electricity connection thereat irrespective of the unresolved title dispute.

I direct CESC Limited to give a connection to the petitioner within 2nd February, 2021, subject to the petitioner paying all necessary charges, costs and expenses and complying with other formalities.

The new connection will, however, neither create any new right or abridge or extinguish any existing right of the petitioner in respect of the said premises.

It is expected that the respondent no.4 shall cooperate with the petitioner and CESC Limited while the officials of CESC Limited visit the premises-in-question for giving a new connection to the petitioner.

The respondent no.5 (Inspector-in-Charge, Sankrail Police Station) is directed to ensure that there is no breach of peace at the said premises or in and around the locale at the time of visit of the officials of

CESC Limited for the purpose of giving a new connection to the petitioner.

The petitioner and CESC Limited shall in advance inform the respondent no.5 as to the date and tentative time when the officials of CESC Limited will visit the premises-in-question for giving new connection to the petitioner.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)