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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 889 of 2020

Duranta Samanta
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. S. P. Pahari,
Mr. T. K. Mahapatra,
Mr. Surendra Sharma
... For the petitioner.

Mr. Mani Shankar Chattopadhyay
... For WBSEDCL.

Mr. Udayan Roy,
Mr. Debabrata Roy
... For the respondent nos.5 & 6.

Mr. Manish Kumar Das
... For the respondent nos. 7 & 8.

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

The petitioner says to have applied for a
new connection at a plot of land wherein the petitioner
claims to be residing and the plot of land, according to
the petitioner, also belongs to the petitioner. Having not
been granted an electric connection by West Bengal
State Electricity Distribution Company Limited (in
short, WBSEDCL), the licensee, the petitioner has filed
the instant writ petition.

On behalf of WBSEDCL, it is submitted
that the respondent nos. 7 and 8 have furnished a copy

of the order dated 24th November, 2011, in Title Suit No. 75 of 2009, now pending before the Civil Judge, (Junior Division), Haldia. The order says that the *status quo* has to be maintained in respect of the plot of land, of which the petitioner is claiming ownership, till the disposal of the suit. It is also submitted that the said suit has been filed by the petitioner. In view of such order and the pending litigation, WBSEDCL has not been able to give connection to the petitioner.

On behalf of respondent nos.5, 6, 7 and 8 (private respondent), appearing through two different sets of lawyers, it is submitted that the petitioner's father had sold out the entire land covering Dag No.709 and as such, the petitioner cannot claim ownership in respect of any part or portion of land comprised in the said Dag. The private respondents, therefor, objected to the connection being given to the petitioner.

Be that as it may, the petitioner has not stated about the suit said to have been filed by the petitioner against the private respondents. Filing of the suit, its pendency as of now and the interim order passed therein amounts to material facts. The petitioner has suppressed the same and/or failed to disclose the same in his writ petition. The disclosure of such facts were necessary as the order that may be passed by this Court in the writ petition is likely to vary after coming to know about the suit and/or not being made aware of

the suit. Without going into the title dispute or the possession of the plot of land, the writ petition is, therefor, liable to be dismissed only on the ground of suppression of material facts. Granting leave to disclose the facts have not been disclosed will allow a litigant to take advantage of his own wrong.

The writ petition is accordingly dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)