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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2859 of 2020

Ramesh Naskar
Vs.
The Chairman, CESC Limited & Ors.

Mr. Dipankar Aditya,
Ms. Tina Biswas
... For the petitioner.

Mr. Om Narayan Rai,
Mr. Prashant Agarwal
... For CESC Limited.

Mr. Vipul Kundalia,
Mr. Sourish Roy,
Ms. Samriddhi Majumder
.... For the respondent no.4

Pursuant to the order dated 15th January, 2021, the parties appear after considering the report filed by CESC Limited.

After considering the sketch map appended to the report filed by CESC Limited on 15th January, 2021, it appears that the entry to the petitioner's house along with the house wherein the respondent nos. 4 to 8 (private respondents) reside is through a common passage. CESC Limited has proposed to lay an underground cable through the said passage to give connection to the petitioner.

On behalf of the respondent no.4, it is submitted that the premises wherein the petitioner seeks electric connection is not the exclusive property

of the petitioner but the petitioner is occupying the same. The passage in question is narrow and if an underground cable is laid down inconvenience will be caused to the respondent no.4, while using the said common passage and, as such, objects to giving connection to the petitioner in the manner proposed by CESC Limited. Some photographs have been made over to the Court, which are taken on record. The objection of the petitioner is unmeritorious. From the said photographs it appears that the passage is not a metal road. Digging of such passage for laying of the underground cable and then properly leveling the passage will cause no inconvenience to any of the residents of the plots adjoining the plot occupied by the petitioner. CESC Limited, the licensee, has technical expertise to suggest feasible way of granting electricity connection to the petitioner. CESC Limited has suggested drawing of underground cable beneath the passage, as there is no other feasible alternative route. The petitioner is in settled possession of the plot wherein the petitioner is seeking connection. The petitioner, is, therefor, entitled to electric connection thereat. The convenience and inconvenience, that may be caused to the petitioner if the petitioner is deprived of the electricity on the objection raised by the respondent no.4, will be greater than that to the respondent no.4 on the underground cable being laid

through the passage.

In the facts and circumstances, I direct CESC Limited to give connection in the proposed manner as indicated in its report dated 13th January, 2021, to the petitioner within 22nd February, 2021, subject to the petitioner making all payments, if not already made, and complying with other formalities. CESC Limited shall ensure that the passage is properly levelled after laying the underground electric cable.

It is expected that the private respondents shall cooperate with the officials of CESC Limited and the petitioner while CESC Limited undertakes the job for laying the cable to grant connection to the petitioner.

The respondent no.3, being the Officer-in-Charge, Sankrial Police Station, is directed to ensure that there is no breach of peace in the locale at the time when the work will be executed by CESC Limited for giving electricity connection to the petitioner. The petitioner and CESC Limited well in advance shall inform the respondent no.3 as to the date and tentative time when CESC Limited propose to carry out the work.

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

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 with the necessary formalities.

(Arindam Mukherjee, J.)