

25.01.2021
Sl. No.10
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4424 of 2020

Dipendu Karmakar
Vs.
West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Samiran Giri,
Ms. Madhumita Patra

....for the petitioner.

Mr. Sankar Banerjee

....for WBSEDCL.

Mr. Sanat Kr. Roy,
Mr. Abhishek Banerjee

....for the respondent nos.6-8.

In terms of the order dated 13th January, 2021, a report dated 22.01.2021 has been submitted by West Bengal State Electricity Distribution Company Limited (in short WBSEDCL). The same is taken on record.

After considering the sketch map appended to the report, it appears that WBSEDCL proposes to give connection to the petitioner by shifting a pole which exists on a 4 feet wide passage between the plots of Kedarnath Ghosh (respondent no.6) and Surojit Ghosh, Badal Bag and Dipendu Karmakar (petitioner) on one side and the plot of Baidyanath Ghosh on the other to a different location also on the said passage. It also appears from the report that Dipa Karmakar, Debashis Karmakar, Goutam Ghosh, Sanatan Ghosh, Kedarnath Ghosh and Baidyanath Ghosh appeared before the Assistant Engineer & Station Manager (respondent no.3) in the meeting on 20th January, 2021. The objection raised by Goutam Ghosh (respondent no.6), Sanatan Ghosh (respondent no.7) and Kedarnath Ghosh (respondent no.8) is that no electric pole should be erected on the exclusive

property of the said respondents. It further appears that there are disputes as to the right, title and interest in respect of the passage, which is referred to in the sketch map appended to the report of WBSEDCL, as common passage. It also appears that the petitioner and the private respondents are claiming absolute ownership over the land comprised in the said common passage.

The civil dispute regarding the passage cannot stand in the way in the petitioner getting an electric connection, particularly when there is an existing pole on the passage-in-question wherefrom electricity is given to the premises of Baidyanath Ghosh, which is proposed to be shifted to another location on the passage for giving connection to the petitioner as also the said Baidyanath Ghosh. The petitioner is entitled to electricity and the objections made by the private respondents at this stage are not sustainable.

In the facts and circumstances as aforesaid, I direct WBSEDCL to give connection to the petitioner within 15th February, 2021, subject to payment of all necessary charges and complying with other formalities. The grant of connection from the relocated pole on the passage-in-question will neither create any new right nor will abridge or extinguish any existing right of the petitioner over the passage-in-question.

It is expected that the respondent nos.6, 7 and 8 shall cooperate with the officials of WBSEDCL and the petitioner while the officials of WBSEDCL undertake the work of relocating the existing electric pole and giving a new connection to the petitioner.

The officer-in-charge, Singur Police Station (respondent no.5) shall ensure that there is no breach of peace in the locale while the officials of WBSEDCL undertake the works to give connection to the petitioner by relocating the pole as aforesaid.

The petitioner and WBSEDCL shall well in advance inform the respondent no.5 about the date and tentative time when the officials of WBSEDCL shall execute the work for the purpose of giving 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.)