

12.07.2021

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WPA No. 10836 of 2021
(Through video conference)

In re : An application under Article 226 of the Constitution of India

And

In re : Mahitosh Biswaspetitioner

Mr. Shahan Saha

...for the petitioner

Mr. Susanta Paul

Mr. Tapas Kr. Dey

...for the State

Mr. Kanak Kiron Bandopadhyay

...for WBSEDCL

Counsel for the petitioner submits that he had applied for separate electricity connection in respect of property that he has been residing in. the petitioner was granted a separate electricity connection thereafter. However, on the complaint lodged by the private respondent no. 6 that, the petitioner has no right to stay in the said premises and that the said respondent no. 6 is a lawful owner, the WBSEDCL has asked the petitioner to explain their status.

Counsel for WBSEDCL however submits that there is no construction at the place the petitioner has been granted electricity. Hence the petitioner's possession could not be ascertained.

Having considered the rival submissions and bearing in mind that electricity is well recognized basic right to which

even a trespasser is entitled. It is not for the WBSEDCL to enter into and enquire as regards the ownership of a property.

A civil dispute between the petitioner and the private respondent is stated to be pending before an authority under Statute. The parties may thrash out civil disputes before the said authority in respect of pending proceeding and/or any other proceeding, accordance with law.

The distribution company shall however not disturb the electricity connection to the petitioner until formal communication of any order of dispossession or eviction against him passed in accordance with law.

With the above observations, WPA 10836 of 2021 is disposed of.

There shall be no order as to costs.

(Rajasekhar Mantha, J.)