

09.09.2021
Ct. No.13
Sl. No.98
akd

W.P.A. 12298 of 2021 [via video conference]

[Sri Pradip Mondal -Vs- WBSEDCL & Ors.]

Mr. Snehasish Bala
... .. for the petitioner

Mr. Ratul Biswas
Ms. Sumouli Sarkar
... for respondent no.7

Ms. Suvasree Ghose
... .. for the WBSEDCL

The writ petitioner submits that he is the owner of two plots of land. The third plot is owned by the private respondents. The lands were originally owned by the father of the petitioner. The writ petitioner applied for an electricity connection to the two of his plots of land. Since the electricity lines to be drawn and/or poles to be set up for supply of electricity to the petitioner would have to pass over and/or be stationed on the land of the private respondents, objection was raised by the private respondents.

The WBSEDCL has, therefore, sought way leave to be produced by the writ petitioner from the private respondents. The petitioner submits that he is entitled to electricity and cannot be deprived.

Learned counsel for the private respondents submits that the writ petitioner has filed title suit being T.S. No. 293 of 2019 in the Court of the learned 2nd Civil Judge (Junior Division), Uluberia against the private respondents. The said suit is with regard to the title of the said lands in question. There is an order of status quo passed on 5th September, 2019 in the said title suit by the learned 2nd Civil Judge (Junior Division), Uluberia.

The writ petitioner is, therefore, guilty of suppression of material facts.

For the reasons stated above, the writ petition must fail and is hereby dismissed.

Copy of the said order dated 1st July, 2020 is kept with the records.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)