

AD. 10.
November 16, 2021.
MNS.

(Through Video Conference)

WPA No. 13136 of 2021

Abhinava Real Estate
Vs.
WBSEDCL and others

Mr. S. Ghosh,
Mr. Md. Hossain

... for the petitioner.

Mr. Sourav Chaudhuri

...for the WBSEDCL.

Mr. Rajdeep Bhattacharya,
Ms. Sevati Roy

...for the respondent nos. 5 and 6.

Affidavit-of-service filed in Court today be taken
on record.

The grievance of the petitioner is that an illegal
connection has been given to the private respondents, in
view of the said consumers not being in possession of
the property-in-question.

It is further contended that, at the behest of the
petitioner, a civil suit is pending, wherein an order of
status quo is subsisting.

Learned counsel appearing for the WBSEDCL
contends that electric connection was given pursuant to
another order passed by a competent civil court in
another civil suit filed at the instance of the private
respondent nos. 5 and 6.

Learned counsel appearing for the private respondent nos. 5 and 6 corroborates such submissions and places reliance on such order.

Learned counsel for the petitioner submits that such order might have been passed subsequent to the filing of the writ petition. Such contention, however, is controverted by learned counsel appearing for the respondent nos. 5 and 6, who submits that the injunction order was passed prior to filing of the writ petition.

Be that as it may, as it appears from the submission of the respective parties, the *status quo* order passed in the writ petitioner's suit pertains to change of nature and character of the property, which apparently does not impede the taking of an electric connection. That apart, since there is a subsisting order of a competent civil court, directing electricity to be given to the respondent nos. 5 and 6, there is no impediment on the part of the WBSEDCL to give such connection.

As it is contended by learned counsel for the petitioner that an appeal is pending against the order directing electric connection to be given, this Court ought not to enter into the merits of the rival contentions of the private parties regarding their respective legal rights. The electric connection, needless to say, is subject to the result of the outcome of the two suits filed between the petitioner and the private respondents *inter se*.

However, there is no scope of interference in the present writ petition at this juncture in view of the

subsistence of the interim order of a competent civil court directing electric connection to be given to the petitioner.

Accordingly, WPA 13136 of 2021 is dismissed, with liberty to the petitioner and the private respondents to ventilate all their grievances as well as contend their respective right, title and interest in the property-in-dispute in the civil suits pending at present.

It is further clarified that the civil court will be free to pass appropriate orders and decide the suits in accordance with law without being influenced in any manner on merits by any of the observations made herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)