

AD. 13.
November 16, 2021.
MNS.

(Through Video Conference)

WPA No. 14539 of 2021

Robert Daniel

Vs.

The CESC Limited and others

Mr. Anjan Kumar Paul

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Santanu Mitra,
Mr. Subhabrata Das

...for the State.

Mr. Madan Murari Verma

...for the respondent no. 5.

Heard counsel appearing for the respective parties.

The limited dispute raised in the writ petition is that, despite there being directions of this Court and an application on the part of the private respondent no. 5 to give electric connection at the premises No. B/14/H/24, Bibi Bagan Lane, Kolkata- 700 015, the CESC Limited has erroneously installed such meter at the petitioner's premises at B/14/H/26, Bibi Bagan Lane, Kolkata- 700015.

Such contention is controverted by learned counsel appearing for the CESC Limited, the private respondent, as well as the State.

It is submitted by learned counsel for the respondents, in unison, that the connection has been given at the appropriate premises at B/14/H/24 and there is no basis of the allegations of the petitioner.

It appears from the dispute involved in the writ petition that the same cannot be resolved by way of exchange of affidavits, since detailed questions of fact, requiring evidence to be taken for coming to a conclusion as to whether there has been any encroachment on the petitioner's property as regards the rights of the petitioner vis-à-vis that of the respondent no. 5 in respect of the property-in-dispute, are involved in the case. The writ court is not the appropriate forum for deciding such disputes. Moreover, there is nothing on the records and/or in the annexures to the writ petition to show explicitly that an encroachment has been made on the petitioner's property at B/14/H/26, Bibil Bagan Lane, Kolkata- 700 015.

In such view of the matter, without going into the merits of the respective contentions of the parties, WPA 14539 of 2021 is dismissed, with liberty to the petitioner to approach the competent civil court with the grievance regarding alleged encroachment of the petitioner's property by the respondent no. 5 and/or the CESC Limited and/or for ancillary reliefs. If such an approach is made, the Civil Court shall decide the issue without being influenced in any manner 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.)