

02
23.11.2021
TN

WPA No.16958 of 2021

Sri Sambhu Nath Das
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

(Via video conference)

Ms. Nibedita Chakraborty

.... for the petitioner

Mr. Sumit Ray

....for the WBSEDCL

Mr. Ziaul Islam,
Mr. Abdus Salam

....for the State

Mr. Mahendra Prasad Gupta,
Ms. Antara Panja

....for the private respondents

The grievance of the petitioner is that the private respondents are creating obstruction to the 440 volt electric connection to the premises of the petitioner being repaired.

It is submitted by learned counsel for the petitioner that the said connection and the cables ancillary thereto are in a precarious condition and places reliance on the photograph annexed at page-28 (Annexure-P6 of the writ petition) in that regard. By

placing reliance on Annexure-P7 at page-29, learned counsel for the petitioner reiterates that, apart from the objection raised by the landlords, that is, the private respondents, there is no other impediment to the distribution company effecting such repair work of the said connection.

Learned counsel appearing for the distribution company submits that inspection has already been held and there is no impediment other than the objection of the private respondents in repairing the damaged portion.

Learned counsel appearing for the private respondents contends that the petitioner has suppressed the fact that there are two litigations pending between the parties.

It is further submitted that the private respondents are enjoying an order of *status quo* in respect of possession and nature and character of the pathway-in-question, over which the connection goes. On the other hand, it is also disclosed that the petitioner, in the petitioner's own suit, is enjoying an injunction restraining the private respondents from disturbing the petitioner's usage of the common passage over which the connection runs.

Be that as it may, the repair of an already-existing electric connection cannot tantamount to

violation of either of the restraint orders inasmuch as the same is not equivalent to a change in the nature and character of the property or to disturbing the user of the said passage by either of the private parties, except for the limited inconvenience to be caused to the private respondents during the period of repair work.

In such view of the matter, WPA No.16958 of 2021 is disposed of by directing the electricity distribution company to hold an inspection in terms of the representation of the petitioner, as found at page-27 of the writ petition, if not already held, and, upon prior notice to the private respondents and the petitioner, to undertake the repair work of the damaged connection of the petitioner at the earliest.

It is expected that the distribution company shall complete such repair work by causing least inconvenience to the parties and as early as plausible. Such repair shall be done by the distribution company preferably within four weeks from date.

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.)