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23.11.2021
TN

WPA No.17090 of 2021

Ghanshyam Kumar Sahni
Vs.
CESC Ltd. and others

Mr. Mahendra Prasad Gupta,
Mr. Ayan Mitra,
Ms. Antara Panja

.... for the petitioner

Mr. Suman Ghosh

.... for the CESC

Mr. Bidhan Biswas,
Ms. Bineeta Bhattacharjee

....for the State

Mr. Nemaï Chand Saha

....for the respondent nos.3 to 6

Learned counsel for the State, at the outset, files a report, which indicates that the State is in no way related to the case, which contention is justified in the facts of the case.

Learned counsel for the petitioner contends that, despite having applied for a new electric connection to the premises of the petitioner, the CESC Ltd. has not yet given such connection.

Learned counsel appearing for the CESC Ltd. submits that, for the purpose of giving such electric

connection, an underground cable has to be laid, for which purpose an available private passage is required to be indicated. In the absence of the petitioner having been able to indicate any such passage specifically, the cable could not be laid.

Learned counsel appearing for the private respondents contends that the passage-in-question is only three ft. wide and, as such, the installation of electric cable may cause danger to the life and safety of the people of the immediate neighborhood.

Learned counsel for the CESC Ltd., however, submits that appropriate precaution is taken while laying down the cables, which are insulated and are sufficiently safe.

In such view of the matter, there cannot be any impediment in giving the electric connection to the petitioner, subject to the petitioner indicating the passage under which the cable has to be taken.

Accordingly, WPA No.17090 of 2021 is allowed, thereby directing the petitioner to indicate the passage, under which the electric cable is to be taken by the CESC Ltd. The CESC Ltd. shall, subject to the compliance of all formalities, give such electric connection, upon appropriate inspection, to the petitioner, pursuant to the petitioner's application.

In the event the officials of the CESC Ltd. face any obstruction from any quarter while laying down such cable, the CESC's officials will be at liberty to approach the respondent no.3, that is, the Officer-in-Charge of the Belur Police Station, Howrah for adequate police assistance in laying down such cable. If so approached, the respondent no.3 shall grant such assistance immediately.

It is further clarified that the cost, if any incurred for providing police protection, shall be borne by the writ petitioner.

The parties shall act on the written communication of the learned Advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)