

34
08.12.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 17580 of 2021

Debasish Adhikary

-vs.-

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Debabrata Chakraborty,
Mr. Soumen Bhattacharya
...for the petitioner

Ms. Mitali Bhattacharya
...for the WBSEDCL

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar
...for the private respondent no. 6

The grievance of the petitioner is that, although the petitioner seeks a new connection in his name at the premises of the petitioner over a common passage, the private respondents are creating hindrance to the Distribution Company erecting a new pole on a common passage for the purpose of giving such connection.

Learned counsel appearing for the Distribution Company submits that the petitioner has applied for a new connection, but unless such a new pole is installed, such connection cannot be given.

Learned counsel appearing for the private respondent no. 6, at this juncture, points out that an

appeal is pending against a decree suffered by the predecessor-in-interest of the petitioner. As such, it is disputed by the private respondent no. 6 that the petitioner is the owner of the passage and/or the passage is common and contends that the private respondents have exclusive title to the passage.

Such contention, needless to say, is controverted by learned counsel for the petitioner.

Learned counsel cites a judgment in that regard, reported at *2012 (3) CLJ (Cal) 153 (Sk. Samsud Doha vs. The West Bengal State Electricity Distribution Co. Ltd. & Ors.)*

Be that as it may, the provision of law is very clear as regards the requirement of the Distribution Company to refer the matter to the concerned District Magistrate in the event any objection is raised by any third party for giving a new electric connection to an applicant.

Since the civil matter does not have a direct bearing on the present dispute, W.P.A. No. 17580 of 2021 is disposed of by directing the WBSEDCL to refer the matter pertaining to the dispute raised by the private respondents regarding a new connection being given to the petitioner, at the earliest, positively within one week from date.

Upon such reference being made, the concerned District Magistrate shall expedite the decision on the

same and adjudicate on the matter upon giving adequate opportunity of hearing to all interested parties within a reasonable time, without being unnecessarily 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)