

24th November,
2021
(AK)
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W.P.A 17874 of 2021

Riyajul Sk. Alias Riyajul Mondal
Vs.
State of West Bengal & Others

Mr. Rwitendra Banerjee
Mr. Sibasis Chatterjee
...for the petitioner.

Mr. Saurav Chaudhuri
...for WBSEDCL.

Affidavit-of-service filed in court today be kept on record.

Learned counsel for the petitioner contends that, due to obstruction being created by the respondent no.6, the distribution company is not being able to give a new electric connection to the petitioner, despite the petitioner having complied with due formalities.

It is further submitted by learned counsel for the petitioner, in his usual fairness, that, although the service of the writ petition has not been effected as yet on the private respondent, as evident from the track report, learned counsel points out the order of *ad interim* injunction annexed at page-15 of the instant writ petition, which indicates that the private respondent already filed a suit being Title Suit no.79 of 2021 before the First Court of Civil Judge (Junior Division) at Berhampore, District-Murshidabad, where an *ad interim* order was

passed restraining the petitioner from making any construction over the suit property and also from disturbing the present possession of the suit property as on that date till March 30, 2021.

It was further clarified in such order that there would be no order as to the defendant no.2, the service provider, since the service provided by them is essential service.

It is submitted further by learned counsel for the petitioner that the said order, as per his instruction, has been extended subsequently and is still subsisting.

In such view of the matter, since a reasonable period of time has elapsed between the copy being sent to the private respondent and the matter being taken up for hearing, there is no scope or necessity for further direction of service on the private respondent.

Since it is clear from the *ad interim* order dated March 1, 2021 passed in Title Suit no.79 of 2021 that there was no impediment on the service provider, that is, the distribution company, to provide essential service in spite of the order restraining the petitioner from disturbing the possession of the private respondent and from making any construction over the suit property, WPA 17874 of 2021 is disposed of by directing the respondent-distribution company to give new electric connection to the petitioner at the premises-in-question,

subject to compliance of due formalities, upon ensuring that the possession of the private respondent in respect of the property is not inconvenienced while giving such connection.

In the event of any obstruction being raised in such connection being given by the respondent no.6 and/or his men and agents, the officials of the distribution company will be at liberty to approach the respondent no.5, that is, the Inspector-in-Charge, Domkal Police Station to provide adequate police assistance in giving such connection. If so approached, respondent no.5 shall provide such police assistance at the cost of the petitioner.

The parties shall act on the communication of the learned Advocate coupled with a server copy of this order without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)