

16
20.12.2021.
mb

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

W.P.A. No. 20164 of 2021

Samina Begum

-vs.-

The State of West Bengal & Ors.

Mr. Arunava Ganguly,
Mr. Sani Hossain
...for the petitioner

Mr. Soumyajit Chakraborty
...for the WBSEDCL

Mr. Tapan Kumar Ray
...for the State

Mr. Gazi Faruque Hossain,
Mr. Chandra Paul,
Ms. Priyanka Mondal
...for the private respondents

The short compass of the present writ petition relates to the Distribution Company being unable to give new electric connection to the petitioner, as per the latter's application for such purpose, in view of hindrance being created by the private respondents.

It is corroborated by the Distribution Company that such hindrance was created by the private respondents and their men and agents when the Distribution Company personnel went to give such connection.

Learned counsel appearing for the private respondents contends that, apart from an electric pole being installed on the land of the private respondents and the electric connection being taken over the land of the private respondents, there is no objection on their part to such connection being given.

However, at the present juncture, it is not possible for the Court to come to any conclusion as to the feasibility of giving such connection to the petitioner over some other land than that belonging to the private respondents.

As such, W.P.A. No. 20164 of 2021 is disposed of by directing the Distribution Company to hold a further inspection at the locale, where petitioner's the electric connection is to be given, for the purpose of exploring the option, if any, of giving the electric connection to the petitioner over some other land than that owned by the private respondents.

Such inspection shall be held by the personnel of the Distribution Company within a week from date. Thereafter, subject to ascertainment of the above factors, the Distribution Company shall take immediate steps for giving such new connection to the petitioner.

It is made clear that, in the event the Distribution Company personnel are of the opinion, upon inspection, that there is no alternative passage apart from the land of the private respondents for giving

such connection to the petitioner, the Distribution Company shall give such connection upon considering the question of giving compensation in accordance with law to the persons over whose land the connection is taken and/or the electric pole is installed for such purpose.

It will be open to the private respondents to raise the issue of compensation, if not considered by the Distribution Company in such case, before the appropriate authority.

This Court has not gone into the merits of the respective contentions of the parties regarding their rights and the above observations are limited to deciding the present writ petition only.

The parties shall act on the 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)