

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 21019 of 2019**

Raju Saroj & Anr.  
Vs.  
CESC Limited & Ors.

Mr. Saibal Acharya  
Mr. Bidyut Baran Biswas  
... For the petitioners

Mr. Debanjan Mukherjee  
... For CESC Limited

Ms. Sima Adhikari  
Ms. Kakali Naskar  
... For the State

Mr. Subhashis Saha  
... For the respondent no.6

Affidavit of service filed in Court today is taken on record.

The petitioner no.1 has applied for a new electric connection at premises no.21, S.K. Deb Road 1<sup>st</sup> Bye Lane, Patipukur, Kolkata – 700048 (hereinafter referred to as the “said premises”). The petitioner no.2 is the wife of the petitioner no.1 and is residing at the said premises along with the petitioner no.1.

The petitioners say that the said premises belongs to the respondent no.6 (private respondent), the mother of the petitioner no.1. The petitioners say that the respondent no.6 in order to prevent the petitioners from getting a new Low Tension (LT) metered connection from the existing

service main at the said premises is adopting various means. The petitioner no.1 has paid all requisite charges but due to the acts of the respondent no.6 has not been given a connection by CESC Limited, the licensee. The petitioners, therefor, have filed the instant writ petition.

On behalf of CESC Limited, the licensee, it is submitted that the meter could not be installed for giving a connection to the petitioners as the officials of CESC Limited were denied access to the meter room and the existing service main. On behalf of CESC Limited, it is further submitted that it was and still is ready and willing to give new connection to the petitioner no.1, provided it is given access to the service main and the meter board at the said premises.

On behalf of private respondent, it is submitted that the petitioners are forcibly trying to evict the private respondent to grab the entire property. The petitioners are intimidating the private respondent and have meted out threats against the private respondent. The private respondent also says that the private respondent has filed an eviction proceeding against the petitioner no.1 and, as such, the petitioner no.1 is not in lawful possession of a portion of the premises for which the petitioner no.1 along with his wife, the petitioner no.2, is seeking a new connection.

After considering the submissions made by the parties and the materials on record, I find that the status

of the petitioner no.1 in the property owned by the private respondent can be coined as that of a trespasser against whom legal steps have been taken. The fact remains that the petitioner no.1 is in occupation of a portion of the said premises. Till such time the petitioner no.1 is in occupation of a portion of the said premises and is not evicted by due process of law, the petitioner no.1 even as a trespasser is entitled to get a new electricity connection and use and enjoy electricity.

In the facts and circumstances as aforesaid, I direct CESC Limited to visit the said premises for the purpose of installing a new meter and granting a new connection to the petitioner no.1 through such meter from the existing service main on 4<sup>th</sup> February, 2021 at 12.30 p.m. Since the parties are represented, no further notice shall be given for this purpose.

It is expected that the private respondent shall cooperate with the officials of CESC Limited for affixing the meter in the common meter board and granting new connection to the petitioner and shall not deny access to the officials of CESC Limited from entering the meter board portion or the service main portion.

The Inspector-in-Charge, Lake Town Police Station, (respondent no.5), is directed to ensure that there is no breach of peace in and around the said premises on 4<sup>th</sup> February, 2021 at the time when the officials of CESC

Limited visit the said premises for giving a new electricity connection to the petitioner no.1.

Subject to payment of all cost and charges and compliance with necessary formalities, CESC Limited shall give the connection to the petitioner no.1 on 4<sup>th</sup> February, 2021.

The electric connection will neither create any new right nor abridge or extinguish any existing right in favour of the petitioners vis-à-vis the private respondent with regard to the said premises. Any finding as to the petitioners' status is not conclusive but only for the purpose of adjudicating the instant petition.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

**(Arindam Mukherjee, J.)**