

22.02.2021
Sl. No.5
PP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22526 of 2019

**Shanti @ Santi Paramanik
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.**

Ms. Pampa Dey (Dhabal)for the petitioner.
Mr. Jayanta Basufor WBSEDCL.
Ms. Sudipa Biswasfor the respondent nos.5-13.

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

The petitioner had applied for a new electric connection in the year 2017. Pursuant to such application, West Bengal State Electricity Distribution Company Limited (in short WBSEDCL), the licensee had raised a quotation on the petitioner. The petitioner had paid the entire money in terms of such quotation on 4th July, 2017. Despite such payment, WBSEDCL did not give the connection.

It is the case of WBSEDCL that it was and still is ready and willing to grant a new domestic electric connection to the petitioner in terms of the petitioner's application. However, due to the resistance put forth by the respondent nos.5-13 (private respondents), WBSEDCL could not give the connection.

The petitioner thereafter approached the Executive Magistrate, Bishnupur, Bankura wherein a specific order was made on 7th November 2019. The matter was made returnable on 4th December, 2019. The petitioner says that despite such specific order, WBSEDCL could not give the connection and as such, the petitioner has been compelled to institute the instant writ petition.

On behalf of the private respondents, it is submitted that the portion of the property wherein the petitioner is seeking a new connection belonged to the parents of the petitioner and the private respondents. The said property had been subsequently gifted to the private respondents in the exclusion of the petitioner. The petitioner, therefor, is not entitled to either occupy or get an electric connection at any part of portion of the said property.

On a query from Court, the private respondents, however, admit that the portion wherein the petitioner is seeking electric connection is presently under lock and key, but the keys are with the petitioner.

In the facts and circumstances as aforesaid, it is prima facie established that the petitioner is in possession of a portion of the property wherein the petitioner is seeking electric connection. The petitioner, being in settled possession, cannot be prevented from getting an electric connection in view of

any inter se dispute between the petitioner and the private respondents as to the right, title and interest of and in the property-in-question. These right are required to be ventilated before an appropriate Court having jurisdiction over the matter. The writ Court while hearing an application for grant of connection cannot go into these issues.

The petitioner, being in settled possession of at least a portion of the property-in-question, is entitled to get a new electric connection thereat.

WBSEDCL in the facts and circumstances as aforesaid, is directed to give connection to the petitioner within 5th March, 2021 subject to the petitioner complying with the other formalities.

Grant of new connection to the petitioner will neither create any new right or abridge or extinguish any existing right of the petitioner vis-à-vis the private respondents with regard to the right, title and interest of and in the premises-in-question.

It is expected that the private respondents shall render cooperation to the petitioner and the officials of WBSEDCL while the work for giving new connection to the petitioner is executed at the said premises-in-question.

The officer-in-charge, Patrasayer Police Station, District – Bankura, being the respondent no.14 in the writ petition is directed to ensure that there is no

breach of peace in and around the premises-in-question at the time of execution of work by the officials of WBSEDCL for giving connection to the writ petitioner.

The writ petitioner and WBSEDCL shall, well in advance, inform the respondent no.14 as to the date and tentative time when the officials of WBSEDCL shall visit the premises-in-question for the purpose of giving new connection to the petitioner.

The respondent no.14 shall take steps as may be required for giving access to the officials of WBSEDCL for the purpose of giving new connection to the petitioner.

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, be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)