

9th December,
2021
(AK)
23

W.P.A 23590 of 2019

Sahidil Islam @ Manik Sk.
Vs.
The State of West Bengal & Others

Mr. D.N. Bose
Mr. Sujit Chowdhury
...for the petitioner.

Mr. S.S. Koley
...for WBSEDCL.

Learned counsel for the petitioner, at the outset, submits that the present writ petition has been filed for compensation in view of the allegedly unlawful charges of hooking brought against the petitioner by the distribution company.

Although the petitioner was acquitted from the connected criminal case by a competent criminal court, in the meantime the petitioner lost his agreement with the service provider, by which the petitioner was permitted to install a mobile tower on his plot.

Heard learned counsel appearing for the petitioner as well as the distribution company.

However, in view of detailed evidence being required in order to properly and completely adjudicate the dispute involved, as to the alleged entitlement of the petitioner to the compensation and/or quantum thereof, a writ petition is not be proper recourse for the petitioner.

Accordingly, WPA 23590 of 2019 is dismissed as not maintainable, with liberty to the petitioner to approach the appropriate civil court for the remedies claimed in the present writ petition.

It is made clear that this court has not gone into the merits of the respective contentions of the parties at all and it will be open to the civil court, if so approached, to decide the matter independently in accordance with law without being influenced in any manner by any of the observations made herein.

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.)