

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10472 of 2020

Smt. Alo Karan
Vs.
CESC Limited & Ors.

Mr. Manick Ch. Das,
Mr. Soumya Kanti Chatterjee,
Mr. Manas Das
... For the petitioner.

Dr. Madhusudan Saha Roy
... For CESC Limited.

The petitioner's husband, Late Arjun Chandra Karan, during his lifetime, was initially a tenant under Sarada Ghora, thereafter under Lakshan Chandra Ghora and subsequently under Usha Rani Ghora due to the death of the landlords from time to time. The tenancy is in respect of a portion of premises no.53, Dr. Meghnath Saha Road, Dum Dum, Kolkata – 700074.

The petitioner says that an ejectment suit has been filed before the 3rd Civil Judge (Junior Division), Sealdah, being Ejectment Suit No.6 of 2016 (Sri Gopal Ghora & Ors. vs. Smt. Alo Karan), which has now been transferred to Bidhannagar Court and is pending for hearing. The petitioner is depositing the rent pursuant to the order passed by Additional Rent Controller, Barrackpore.

The private respondents were served with a copy of the writ petition but remained unrepresented on 6th January, 2021. This Court therefor directed issuance of a fresh notice. Such notice has been issued. The affidavit of service filed in that regard is taken on record. Despite such service, the private respondent remains unrepresented and, as such, the matter is being taken up and decided in their absence.

After hearing the submissions made by the parties and considering the materials on record, I find that the petitioner is in settled possession of the portion of premises no. 53, Dr. Meghnath Saha Road, Dum Dum, Kolkata – 700074, wherein the petitioner is seeking new low tension metered connection subsequent to the disconnection of the sub-meter through which the petitioner was receiving electricity. The eviction suit also proves that the petitioner is in occupation. I, therefor, direct CESC Limited to give the connection to the petitioner within 22nd February, 2021, subject to the petitioner paying all costs and expenses, if not already paid, and complying with other requisite formalities. It is expected that the respondents no. 5 to 11 (private respondents) shall cooperate with the petitioner and the officials of CESC Limited at the time of giving new low tension metered connection to the petitioner from the existing

service main at the said premises.

The respondent no.4, being the Inspector-in-Charge, Dum Dum Police Station is directed to ensure that the officials of CESC Limited gets free access to the existing meter room and there is no breach of peace in and around the premises in question at the time of execution of work by the officials of CESC Limited for the purpose of giving new low tension metered connection to the petitioner from the existing service main. It is clarified that in the event the meter room wherein the service main is housed remains under lock and key and the keys are not available, the respondent no.4 shall be entitled to break down the padlock for the purpose of giving access to the officials of CESC Limited for giving connection to the petitioner. It is made clear that the new low tension metered connection to the petitioner from the existing service main at the said premises will neither create any new right nor abridge or extinguish any of the petitioner's existing right as spouse of the deceased tenant vis a vis the private respondents.

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

Since I have not called for any affidavits, the allegations contained in the writ petition are

deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)