

15.02.2021
Sl. No.05
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via video conference)

WPA 11486 of 2020

Saleha Khatun alias Saleha Khatun Haque & Anr.
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Ramij Munsif

....for the petitioners.

Mr. Soumyajit Chakraborty

....for WBSEDCL.

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

The petitioner no.1 has sought for a new electric connection. The petitioner no.2, the daughter of the petitioner no.1, has been made a party though not required as the petitioner no.1 due to old age is suffering from various ailments and is unable to move around for ventilating her grievances. The petitioner no.1 has paid the money in terms of the quotation raised by West Bengal State Electricity Distribution Company Limited (in short WBSEDCL), the licensee in the year 2015. But no connection has yet been given to the petitioner no.1, as a result whereof the instant writ petition has been filed.

On behalf of WBSEDCL, it is submitted that a pole has to be erected for the purpose of giving connection to the petitioners. The respondent nos.5 and 6 (private respondents) have resisted the officials of WBSEDCL

from erecting the pole to give connection to the petitioners on the ground that there is a land dispute regarding the land on which a pole has been proposed to be erected by WBSEDCL.

The petitioners, however, dispute the ground on which the private respondents have resisted. The petitioners say that the pole has to be erected on a common passage and the same is not an exclusive property of the private respondents.

The facts remain that WBSEDCL, the licensee has been resisted from executing the work. In terms of Rule 3 of West Bengal Works of Licensees Rules, 2006, the licensee (WBSEDCL) was required to approach the concerned District Magistrate for necessary orders to erect the pole and give connection to the petitioners. The licensee has, however, not approached the concerned District Magistrate for the reasons best known to them though they were obliged to do so.

In the facts and circumstances, I direct WBSEDCL to approach the District Magistrate, Purbo Bardhaman within 25th February, 2021 for necessary adjudication on the issue of erecting pole for the purpose of giving connection to the petitioners.

In the event WBSEDCL does not approach the concerned District Magistrate within 25th February, 2021, it will be open for the petitioners to approach the concerned District Magistrate immediately thereafter.

The concerned District Magistrate, on being approached either by WBSEDCL or by the petitioners as the case may be, shall decide the issue within a period of five months from the date of being approached. The concerned District Magistrate shall be entitled to take assistance of the concerned Block Land & Land Reforms Officer and other authorities as may be required for the purpose of adjudicating the issue. The concerned District Magistrate shall pass a reasoned order after hearing all the parties and shall communicate such reasoned order within seven days from the date of passing of the same.

This order is made in the absence of the private respondents as they remain unrepresented despite service.

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.)