

**FMA 560 of 2018
with
CAN 1 of 2017 (Old No. CAN 8945 of 2017)
with
CAN 2 of 2018 (Old No. CAN 8710 of 2018)**

**(Md. Habibur Rahman & Anr. Vs. The State
of West Bengal & Ors.)**

Mr. Arif Ali

.... For the appellants

**Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Arindam Mitra**

.... For the W.B.S.E.D.C.L.

**Mr. Mashud Karim
Ms. Payel Chakraborty**

.... For the respondent no. 10

The present appeal has been preferred challenging the order dated 1st August, 2017 passed in WP 5858 (W) of 2017.

Mr. Ali, learned advocate appearing for the appellants submits that without considering the arguments as advanced on behalf of the appellants/writ petitioners, the writ petition was disposed of with a direction towards consideration of the representation submitted by the appellants.

He submits that the impugned order was passed being oblivious of the fact that there was a pending civil suit between the parties in which there was an interim order directing the parties to maintain *status quo* in respect of the concerned properties in terms of nature, character and possession till the disposal of the suit. In

spite of such interim order passed on 3rd August, 2015, overhead lines were drawn over the land belonging to the petitioners in the month of December, 2016. Aggrieved thereby, several representations were submitted, but in vain.

He further submits that an electric pole was illegally fixed on the eastern side of the appellants' land and overhead lines were illegally drawn over the plots of land belonging to the appellants. There are other existing electric poles through which lines could have been drawn for giving electricity connection to the private respondents. As such, appropriate direction ought to have been issued by the learned Single Judge directing the authorities of WBSEDCL to shift the overhead lines and to remove the electric pole fixed on the appellants' land. Let the affidavit-in-reply filed by the appellants be kept on record.

Per contra, Mr. Nayak, learned advocate appearing for the WBSEDCL submits that under the Rajiv Gandhi Gramin Vidyut Yojna (RGGVY)-XII plan, an electrification scheme was implemented in all blocks of 24 Parganas (North) including Amdanga Block. Before drawing and fixing the poles within Amdanga Block, assistance was sought from the concerned Panchayat and such lines were drawn in presence of the Panchayat officials as well as the villagers.

He further submits that the order impugned is an innocuous one and the appellants have not been prejudiced in any manner and as such, no interference is called for in the present appeal.

Mr. Karim, learned advocate appearing for the private respondent denies and disputes the contention of the appellants and submits that lines were drawn way back in December, 2016 and thereafter, electric connections were given and they are enjoying the same till date.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The issue as to whether lines have been drawn over the land owned by the appellants is pending consideration before the competent civil forum. It appears that electric lines were drawn and electric connection was given to the villagers in implementation of the RGGVY-XII scheme. By the order impugned, the respondent no. 5 in the writ petition was directed to consider the representation submitted by the appellants and to dispose of the same.

We do not find any infirmity in the order impugned and as such no interference is called for in the present appeal.

Accordingly, the appeal and the connected applications are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)