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03.02.2022
TN

WPA No.1077 of 2022

Jainal Abedin Sarkar

Vs.

State of West Bengal and others

(Via Video Conference)

Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee

.... for the petitioner

Ms. Sanghamitra Nandi,
Mr. Biswanath Samanta

.... for the State

Ms. Suvasree Ghose

.... for the WBSEDCL

Md. Kutubuddin,
Ms. Doyel Dey

.... for the private respondent no.6

The affidavit-of-service and information slip
filed in court today be kept on record.

Learned counsel for the petitioner argues that,
due to resistance being put up by the private
respondent, the distribution licensee is not being able
to give electric connection to the petitioner.

Learned counsel appearing for the Distribution
Company corroborates such stand.

However, learned counsel appearing for the private respondent hands up an information slip indicating that an order of *status quo* with regard to the nature and character of the property-in-question, where the connection has been sought to be taken, is subsisting in a pending partition suit.

Learned counsel for the petitioner, in controverting such submissions, contends that the *status quo* cannot affect the right of the petitioner to get an electric connection at the premises. That apart, it is submitted that since the private respondent is the only objector to such connection being given to the petitioner, the other parties to the partition suit have not been impleaded herein.

Upon hearing learned counsel for the parties and perusing the information slip, it is clear that the parties to the partition suit have been directed to maintain *status quo* “with regard to the nature and character of the suit property” till disposal of the said partition suit.

However, the act of giving electric connection to the petitioner cannot, in any manner, be detrimental to or violative of such *status quo* order, since the nature and character of the property-in-question would not be altered by any stretch of imagination,

merely by giving an electric connection to the petitioner.

As far as the apprehension of the private respondent that the petitioner may claim special equity on the basis of electric connection being given in the petitioner's name, such apprehension can easily be addressed with a rider that the electric connection, *ipso facto*, shall not create any special right in favour of the petitioner.

Accordingly, WPA No.1077 of 2022 is disposed of by directing the WBSEDCL to give electric connection to the petitioner, subject to compliance of all formalities by the petitioner, within three weeks from this date and/or the date of compliance of formalities, whichever is later.

It is made clear that such electric connection shall not create any special equity in favour of the petitioner and shall not prejudice in any manner the respective rights and contentions of the parties in the partition suit.

In the event any disruption is created to the WBSEDCL personnel giving such connection, it will be open to the personnel to approach the respondent no.5, the Inspector-in-Charge, Daulatabad Police Station, for police help in such regard.

If so approached, the respondent no.5 shall grant such police help to the WBSEDCL personnel for the limited purpose of giving access to the petitioner, if necessary by removing any padlock, if found on the way, to the existing meter board position of the premises for giving electric connection to the petitioner. Such police help will be given, if required, at the cost of the petitioner.

The parties shall act on the written communication of the learned Advocates for the parties without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)