

AD. 12.
January 28, 2022.
MNS.

(Through Video Conference)

WPA No.1160 of 2022

Pushpa Majhi
Vs.
CESC Limited and others

Mr. Indranil Halder

...for the petitioner.

Ms. Nandini Mitra

...for the CESC Limited.

Mr. Sukumar Bhattacharya,
Ms. Sayani Bhattacharya

...for the respondent no. 4.

Learned counsel for the petitioner submits that due to resistance being put up by the private respondent no. 4, the CESC Limited could not give a new electric connection, pursuant to the petitioner's application, at the premises-in-question, in respect of which the petitioner is a co-sharer.

Learned counsel for the CESC Limited agrees to such contention and submits that the CESC Limited is not required to enter into the question of title while giving such connection. It is further submitted that the petitioner has deposited some of the requisite amounts for giving the connection.

Learned counsel for the private respondent no. 4 squarely objects to the statement of the petitioner that

the petitioner is a co-sharer in respect of the premises. Rather, the respondent no. 4 claims to be a *thika* tenant in respect of the property and denies and disputes the averment of the petitioner as regards the petitioner's alleged co-sharership.

However, neither the CESC Limited nor the writ court is a competent authority to decide the question of title in respect of the property; such title can be decided and adjudicated only upon a proper proceeding or suit being instituted before a competent civil court. Needless to say, in the event the CESC Limited gives a new electric connection to the petitioner at the premises-in-question, no special equity and/or right shall be conferred on the petitioner *ipso facto* by virtue of giving such new electric connection.

In such view of the matter, WPA 1160 of 2022 is allowed, thereby directing the CESC Limited to give new electric connection to the petitioner as per the petitioner's application, subject to compliance of all formalities by the petitioner in that regard.

In the event the private respondent no. 4 and his men and agents put up any resistance to such electric connection being given or to the necessary inspection for such purpose being held, the CESC Limited personnel will be at liberty to approach the respondent no. 3, the Officer-in-Charge of the Golabari Police Station, who will provide such police assistance on the approach of the CESC Limited personnel at the cost of

the petitioner for the limited purpose of providing access to the CESC Limited personnel to the electric meter location.

Since no affidavits were invited in the matter, it is deemed that the respondents do not admit any of the allegations made in the writ petition.

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.)