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03.02.2022
TN

WPA No.1200 of 2022

Mrityunjay Naskar

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Goutam Banerjee,
Mr. Gouranga Kumar Das,
Mr. Sandip Kumar Mondal

.... for the petitioner

Mr. Sumit Ray

.... for the WBSEDCL

Mr. Debjit Mukherjee,
Mr. Subhobroto Das

.... for the State

Ms. Somoshree Saha,
Mr. L.N. Bhattacharya

.... for the private respondent no.6

The petitioner's grievance is that, despite the specific written objection of the petitioner, the distribution licensee is seeking to give an electric connection to the private respondent over the petitioner's land.

Learned counsel for the petitioner places reliance on the photocopy of a title deed annexed to the writ petition as well as a copy of the purported

written objection annexed at page-28 of the writ petition, in support of his submissions.

Learned counsel for the distribution licensee submits that apart from the proceeding under Section 144 of the Criminal Procedure Code instituted by the petitioner, the private respondent also obtained an order under the same provision from the concerned criminal court to the effect that peace shall be maintained in the area.

Learned counsel appearing for the private respondent argues that the private respondent has a specific right to take electric connection to the private respondent's premises pursuant to the purchase deed of the private respondent, where the petitioner is also a signatory.

Learned counsel for the State-respondent justifiably argues that, in view of the conflicting stand taken by the appropriate parties, the matter ought to be adjudicated by the Distribution Company by taking recourse to the appropriate provisions of law.

Upon hearing learned counsel for the parties, it is clear that there is a specific dispute raised by the petitioner in writing before the distribution licensee as annexed at page-28 of the writ petition. As per the extant Regulations, the distribution licensee is duty-bound to refer such objections, if raised, to the

concerned District Magistrate for the purpose of adjudication of the same.

In such view of the matter, since the writ court is not the appropriate forum for deciding such factual dispute on taking evidence or otherwise, the concerned District Magistrate ought to be directed to decide the issue.

Accordingly, WPA No.1200 of 2022 is disposed of by directing the WBSEDCL to refer the dispute, raised by the petitioner with regard to the electric connection being given to the private respondent by the WBSEDCL, within a fortnight from date.

The District Magistrate shall, upon such reference being made, decide the issue upon giving opportunity to the private parties to produce relevant documents on which they rely on respectively hearing to all the interested parties, including the petitioner, the private respondent and the distribution licensee, and for being heard. Such exercise shall be completed by the District Magistrate at the earliest, preferably within five weeks from the date of the reference by the distribution licensee. The District Magistrate will communicate his decision to the concerned parties as expeditiously as possible thereafter.

The parties shall act on the written communication of the learned Advocates for the

parties accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof, for the purpose of compliance.

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.)