

7th November,
2022
(AK)
53

W.P.A 1522 of 2022
IA No: CAN 1 of 2022

Subhojit Bose
Vs.
The State of West Bengal and others

Mr. Ivan Roy
Mr. Nirupam Dutta
Mr. Sk. Abdur Rahim
...for the petitioner.

Mr. Anirban Mitra
...for the CESC Limited.

Mr. Santanu Mitra
Ms. Sujata Ghosh
...for the State.

Learned counsel for the petitioner argues that due to resistance created by the petitioner's mother, being the private respondent, the petitioner is not being able to get an independent electricity connection at the premises.

It is submitted that the petitioner's mother, in whose name the original electricity meter from which the petitioner was enjoying electricity stood, has got the same disconnected, thereby severing the electricity connection being enjoyed by the petitioner previously.

Learned counsel places reliance on several documents including Adhaar Card etc, to establish *prima facie* that the petitioner is in occupation of the premises.

Upon hearing learned counsel for the parties, it transpires that the mother of the petitioner, being the private respondent herein, has obtained an independent

order in a separate writ petition, permitting her to enter the premises-in-question.

Be that as it may, the present dispute has no direct nexus with the said order and the same cannot stand in the way of the petitioner being given a new electricity connection in view of the fact that the previous electricity connection standing in the name of the mother has already been disconnected at her instance.

Being in *prima facie* occupation of the property, the petitioner has an independent right to get an electricity connection at the premises irrespective of the legality or otherwise of his possession.

Hence, WPA 1522 of 2022 is disposed of by directing the CESC Limited to give an electricity connection to the petitioner at the premises, upon removal of the previous disconnected meter, if necessary, upon compliance of all formalities by the petitioner, preferably within a fortnight from the compliance of such formalities by the petitioner.

It is made clear that the new connection, as and when given, shall not create any special right or equity in favour of the petitioner and shall not stand in the way of compliance of any other order passed by any coordinate Bench.

It is further clarified that the rights and contentions of the petitioner and the private respondent in respect of the property-in-question shall not be affected or influenced in any manner by any of the observations

made herein and/or the electricity connection being given to the petitioner.

In the event the CESC personnel face any obstruction from any quarter, including the private respondent and/or her men and agents, in giving such connection subject to compliance of formalities by the petitioner, it will be open to the CESC personnel to approach the local police station for adequate police assistance, which will be given at the cost of the petitioner for the purpose of enabling the CESC personnel to install such connection, by the respondent no.5, that is, the Officer-in-Charge of the Jadavpur Police Station.

CAN 1 of 2022 is also disposed of accordingly.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)