

05
16.03.2022
TN

WPA No.3774 of 2022

Gokul Chandra Ghosh
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Sailendranath Chakraborty
.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
.... for the WBSEDCL

Mr. Sabyasachi Dey
.... for the respondent no.7

Learned counsel for the private respondent no.7,
at the outset, seeks leave to file a supplementary
affidavit incorporating certain relevant documents
which have not been made a part of the writ petition.
However, such supplementary affidavit is considered
unnecessary in view of the nature of the order which is
proposed to be passed.

Learned counsel for the petitioner submits that
the West Bengal State Electricity Distribution
Company Limited (for short “the WBSEDCL”) has given
any electricity connection to the submersible pumps of

the respondent nos.7 and 8 despite the said respondents having failed to comply with all formalities, which were required as prerequisites for getting such connection. It is further submitted that when the petitioner gave a representation in such regard to the WBSEDCL, the same was not dealt with by the Distribution Licensee, for which the present writ petition has been preferred.

Learned counsel appearing for the Distribution Licensee, on instruction, specifically disputes that any electricity connection was given at all to the private respondents. As such, it is argued that there is no cause of action for the present writ petition.

Learned counsel for the private respondent no.7 categorically contends that the said private respondent no.7 had furnished all necessary documents and complied with all requisite formalities prior to having an electricity connection to her submersible pump. As such, the writ petition, it is argued, is not maintainable.

It appears from the submissions of the parties that there is lack of consensus between the Distribution Licensee and the private respondents themselves as regards whether the electricity connection was given to the submersible pumps of the private respondents.

If it is assumed that no such connection was given at all, it cannot be said that the writ petition has any justification or cause of action.

On the other hand, if it is assumed that there is an existing electricity connection in favour of the private respondents in respect of latter's submersible pump, even then, since the petitioner is merely a neighbour and a busybody, the petitioner does not have any direct *locus standi* pertaining to the cause of action pleaded in the writ petition, for challenging the electricity connection allegedly given to the private respondents.

That apart, it is not for the writ court to examine the veracity of the documents sought to be produced by the private respondent in support of the veracity and legality of their electricity connection and title in respect of the property-in-dispute. It is beyond the scope of the writ jurisdiction to enter into such a detailed enquiry requiring adduction of evidence on facts.

In view of the above observations, production of the documents sought to be relied on by the private respondent is rendered academic, since the writ petition, in any event, is not maintainable for lack of *locus standi* of the petitioner and for absence of a proper cause of action vis-à-vis the writ petitioner.

Hence, WPA No.3774 of 2022 is dismissed without any order as to costs.

It is made clear that the existence or non-existence and the legality (or the contrary) of the alleged electricity connection given to the private respondents and the question of right, title or interest of the private respondents in the property-in-question, have not been gone into at all by this court.

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.)