

05
04.04.2022
TN

WPA No.4540 of 2022

Abdul Mannan Molla
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Chandra Bhanu Sinha,
Mr. Rohit Kumar Shaw

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

Affidavit-of-service filed in court today be kept
on record.

Learned counsel for the petitioner contends that despite a specific observation by a coordinate Bench of this court vide order dated December 15, 2015 passed in W.P. 27088 (W) of 2015, specifying that the present respondent no.5, the writ petitioner therein, would be given a new electricity connection by the Distribution Licensee without in any way making any installation or drawing any wire in or over the portion occupied by the private respondent, the Distribution Licensee violated the same and took the electricity connection of the respondent no.5 over the petitioner's property.

Learned counsel appearing for the Distribution Licensee specifically controverts such submissions and contends that, when such connection was given to the present respondent no.5, no dispute was raised by the petitioner on any ground whatsoever. That apart, the connection given to the respondent no.5, it is submitted, has not been taken over the property of the petitioner.

Be that as it may, since the only cause of action for the present writ petition, as manifest from the writ petition itself, is the alleged violation of an order passed by a coordinate Bench of this court, the remedy of the petitioner lies by way of a contempt application.

It may be recorded here that despite the attempts of the petitioner to serve at the address disclosed by the respondent no.5 in the previous writ petition filed by the respondent no.5, the envelope sent to the private respondent no.5 has returned with the endorsement "insufficient address".

However, in view of the innocuous nature of this order, further service on the private respondent no.5 is not deemed necessary.

Accordingly, WPA No.4540 of 2022 is disposed of by granting liberty to the petitioner to take out an appropriate contempt application on the ground of

violation of the order dated December 15, 2015 passed in W.P. 27088 (W) of 2015.

It is made clear that this court has not gone into the merits of the contentions of either party and it will be open to both sides to urge all their contentions, as made in the present writ petition, before the Bench taking up the contempt application.

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.)