

02
24.03.2022
TN

WPA No.4694 of 2022

Amar Chatterjee
Vs.
State of West Bengal and others

Mr. Sreekumar Chakraborty
.... for the petitioner

Mr. Debanjan Mukherji
.... for the WBSEDCL

Mr. Mrinmoy Bhattacharyya
.... for the respondent no.4

Learned counsel for the petitioner contends that even upon the demise of Smt. Tarasundari Chatterjee, the original consumer, an electricity connection is continuing in the name of the deceased at the premises-in-question. It is further submitted that although the petitioner as well as other private respondents, being private respondent nos.4, 5 and 6, were left behind as heirs by the deceased, the other co-sharers are not coming up to join the prayer of the petitioner for disconnection of the said supply.

Learned counsel for the Distribution Licensee submits that since all the heirs have not come up with

an application, it is not possible to disconnect such supply at the present moment.

Learned counsel appearing for the respondent no.4 contends that despite the pendency of a partition suit between the co-sharers, wherein a similar relief has been claimed by the petitioner, the present writ petition has been filed, which amounts to abuse of process of court.

There is substance in the submission of the respondent no.4 that the petitioner is not entitled to approach several forums for the same relief, thereby going forum shopping.

Since the relief prayed in the present writ petition is already *sub judice* before the competent civil court taking up the partition suit between the private parties, there is no question of entertaining the present writ petition.

That apart, unless the civil court decides to give such relief, it is not for the writ court to grant the permission to disconnect the electricity supply immediately, since all the co-sharers are not agreeing to such disconnection and all have equal rights to the connection after the demise of their mother Tarasundari.

In such view of the matter, WPA No.4694 of 2022 is dismissed. However, this order will not

preclude the petitioner from pursuing his remedies, including the prayer for disconnection of electricity, before the civil court in the pending partition suit.

If such relief is pursued, the civil court will independently decide the same in accordance with law, without being swayed by any of the observations made herein.

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.)