

21st March,
2022
(AK)
07

W.P.A 4699 of 2022

Tripti Biswas
Vs.
State of West Bengal and others

Mr. Akashdeep Mukherjee
Mr. Pritam Chatterjee
...for the petitioner.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
...for the State.

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

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

Despite service, none appears for the private respondents, although the petitioner and the Distribution Licensee as well as the State are represented through counsel.

Hence, the matter is taken up for hearing in the absence of the private respondents.

Learned counsel for the petitioner contends that despite the petitioner having applied for a new electricity connection in the petitioner's name at the premises-in-question, the WBSEDCL has not given such connection as yet.

Learned counsel for the Distribution Licensee, however, submits that despite several attempts, the

Distribution Licensee personnel could not hold an inspection to the premises-in-question in order to check the feasibility of giving a new connection to the petitioner.

It is further submitted by the Distribution Licensee that, as per norms, the petitioner is also required to produce a 'Way Leave Certificate' from the private respondents, who are objecting to the inspection and to the electricity connection being given.

Since the petitioner has annexed the petitioner's title deed to the present writ petition, the *prima facie* title of the petitioner in respect of the property is established. As a corollary, the petitioner is entitled, under Section 43 of the Electricity Act, 2003 to get a new electric connection in her own name at her property, as mentioned in the title deed annexed to the present writ petition.

Although it has been submitted by learned counsel for the Distribution Licensee, on instruction, that proceedings under Section 144 of the Code of Criminal Procedure are pending between the private respondents and the petitioner before the court of the concerned Magistrate, such pendency cannot create any hindrance to the petitioner's entitlement to get an electricity connection in the petitioner's name on her property.

Hence, WPA 4699 of 2022 is disposed of by directing the WBSEDCL to hold an inspection for the purpose of checking the feasibility and viability of the application of

the petitioner for getting a new connection at the premises-in-question, within March 31, 2022.

Thereafter, subject to compliance of all formalities by the petitioner in that regard, the Distribution Licensee shall give such connection to the petitioner, irrespective of the objection being raised by the private respondents, who have not disclosed any *prima facie* civil right to the property-in-question.

It is made clear that the WBSEDCL shall not insist upon prior production of a Way Leave Certificate from the private respondents for giving such electricity connection to the petitioner.

However, this order shall be subject to any order, if passed, by a competent civil court and/or criminal court under Section 144 of the Code of Criminal Procedure.

In the event the WBSEDCL personnel are resisted by the private respondent nos.9 and 10 and/or their men and agents in holding such inspection or in giving the connection to the petitioner, it will be open to the WBSEDCL personnel to approach the local Police Station for adequate police assistance in that regard.

If so approached, the Officer-in-Charge/Inspector-in-Charge of the local Police Station shall provide such police assistance to the WBSEDCL personnel for the limited purpose of holding the inspection as well as giving the new connection to the petitioner, at the cost of the petitioner.

The parties as well as all concerned, including the police authorities, shall act on the written communication of the learned Advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy.

It is made clear that this court, while deciding the writ petition, has not entered into the merits of the respective contentions of the petitioner and the private respondents in respect of the property-in-question.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)