

08
23.03.2022
TN

WPA No.4758 of 2022

Lalmati Harijan
Vs.
Calcutta Electric Supply Corporation
Limited and others

Mr. Arindam Paul,
Ms. Parna Mukherjee

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the CESC Limited

Despite service, none appears for the
respondent no.4.

Learned counsel for the petitioner argues that
despite being a co-owner of the premises, the
petitioner's application for a new service connection in
her own name is not being acted upon by the Calcutta
Electric Supply Corporation (for short "the CESC")
Limited.

Learned counsel appearing for the CESC
Limited submits that since the petitioner wants a
service connection, the petitioner has to arrange for a

common passage for the purpose of taking such connection.

That apart, since there was a strong objection raised by four persons, who have been named in a proceeding under Section 144(2) of the Code of Criminal Procedure between the petitioner and the said objectors, namely, Bijoy Kumar Shaw, Rajendra Shaw, Sambhu Shaw and Krishna Shaw, who have not been impleaded in the present writ petition.

Due to resistance created by the said persons, it is contended that the CESC Limited was unable to give the connection, apart from the lack of a common passage for laying down the lines.

It is rightly pointed out by learned counsel appearing for the CESC Limited that, under Rule 3 of the Works of Licensees Rules, 2006, the District Magistrate is the appropriate authority to decide the dispute of the nature as raised in the present writ petition.

There is substance in such contention of the CESC Limited, since, in view of the specific objection taken by several persons to the CESC Limited giving a new service connection to the petitioner, it would be proper and lawful if the matter is relegated to the District Magistrate for deciding the issue.

Accordingly, WPA No.4758 of 2022 is disposed of by granting the petitioner liberty to approach the concerned District Magistrate with the dispute as raised in the present writ petition.

If so approached, the District Magistrate shall decide the dispute, upon ensuring right of hearing to all interested parties, including the petitioner, private respondent no.4, the Distribution Licensee as well as the objectors, namely, Bijoy Kumar Shaw, Rajendra Shaw, Sambhu Shaw and Krishna Shaw, and in accordance with law, preferably within two months from the date of reference of the dispute to the District Magistrate by the petitioner.

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.)