

AD-44
Ct No.09
19.09.2022
TN

WPA No. 4974 of 2022

Sk. Musharaf
Vs.
The State of West Bengal and others

Mr. Keshab Chandra Das,
Ms. Aparajita Mondal

.... for the petitioner

Ms. Bandana Basu

.... for the WBSEDCL

Learned counsel for the petitioner points out that good service has already been effected on the added private respondents. However, none appears for the private respondents, although the petitioner and the West Bengal State Electricity Distribution Company Limited (WBSEDCL) are represented through counsel when the matter is called on for hearing.

A photocopy of a written objection filed by the added private respondents was handed over by learned counsel for the WBSEDCL on the last occasion, which indicates that the tenor of the objection is that the proposed electricity connection to the petitioner was being given over the plot of the private respondents and, for such purpose, electricity poles have been erected. Learned counsel for the

WBSEDCL categorically submits that already two electricity poles have been installed. However, no 'Way Leave' certificate, as demanded by the WBSEDCL, has been furnished by the petitioner as yet.

It is further submitted that the added private respondents have raised objection on the ground that the land-in-question, over which the connection is to be given, belongs to the private respondents.

Since a dispute has been raised by the private respondents in the electricity connection being given to the petitioner, the law provides that such objection ought to be decided by the concerned District Magistrate.

Hence, WPA No. 4974 of 2022 is disposed of by granting liberty to the petitioner to refer the dispute, raised by the private respondents to the petitioner getting electricity connection, to the concerned District Magistrate having territorial jurisdiction in the area-in-question.

Upon such reference being made, the District Magistrate shall decide the dispute in accordance with law and upon giving opportunity of hearing to all concerned, including the petitioner, the private respondents and the WBSEDCL, as expeditiously as possible, preferably within eight weeks from the date

of such reference to the District Magistrate. It will be open to the District Magistrate to decide all questions incidentally raised by the private parties with regard to their title in respect of the plots-in-question, without being influenced in any manner by any of the observations made herein.

It is made clear that this court has not entered into the merits of the respective contentions of the parties at all.

Since no affidavits have been directed in the matter, it is deemed that the allegations made in the writ petition are denied by the respondents.

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.)