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28.04.2022
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WPA No.5531 of 2022

Amit Saha @ Ujjal Saha
Vs.
Calcutta Electric Supply Corporation
Limited and others

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

Learned counsel for the petitioner contends that the electricity meter box at the premises, where the petitioner is residing as a tenant under the private respondents, is damaged and seeks for a direction on the Calcutta Electricity Supply Corporation (for short “the CESC Limited”) to repair the same for the petitioner to get back electricity supply.

However, as rightly pointed out by learned counsel appearing for the CESC Limited, in paragraph no.11 of page-09 of the writ petition, the following pleadings have been made:

“Your Petitioner states that although in a damaged condition yet the Petitioner herein and his family members were getting electricity supply. On the 19th Day of March,

2022 the Private Respondents herein had disconnected the electricity connection and had not allowed the Respondent Electricity Authorities to restore the electricity connection. Pursuant to the same he had approached the Respondent Nos.2, 5, 6 and 7 herein in order to ventilate his grievances on the 23rd Day of March, 2022, but the same had not been considered. Such representation was sent via mail on the self-same day. It is pertinent to mention herein that the Petitioner herein and his family members, due to the aforementioned acts and actions on the part of the Private Respondents herein, are passing their days without any electricity connection from the 20th Day of March, 2022 till date, which is a direct violation of the Fundamental Rights as enshrined in the Constitution of India.

Photostat copy of the Representation addressed to the Respondent Electricity Authorities and to the Respondent No.5 herein along with the email sent are annexed hereto and collectively marked as Annexure "P-4".

Since such pleadings are patently contradictory to the submissions of learned counsel, it is evident that the petitioner-tenant is seeking, in the garb of an application under Article 226 of the Constitution of India, to get a private relief which is only for the competent Controller and/or Civil Court, as the case may be, to grant upon consideration of *prima facie* evidence. Under Article 226 of the Constitution of India, private parties cannot be directed or Rules of Mandamus cannot be issued only for the asking, to resolve landlord-tenant disputes.

Although learned counsel for the petitioner places reliance on the purported communication annexed at pages-36 and 37 of the writ petition, the same entirely pertains to a private dispute between the landlords, that is, the private respondents and the present petitioner, for which adequate remedy is available to the petitioner before the criminal court and/or an appropriate civil forum.

However, I cannot find any fault on the part of any authority, which comes under the purview of 'State' under Article 12 of the Constitution of India, in the present case.

As such, WPA No.5531 of 2022 is dismissed, with the liberty to the petitioner to approach the appropriate forum with the grievances ventilated herein. If so approached, the said forum shall decide the issue in accordance with law upon giving adequate opportunity of hearing to the private respondents as well, without being influenced in any manner 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.)