

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6760 of 2021

Kashinath Mondal
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Alok Kumar Poria
... for the petitioner

Mr. Sourav Chauthuri
... for the WBSEDCL

Mr. Taposh Kumar Adhikari,
Mr. Bipin Ghosh
... for the State

Ms. Amita Ghosh,
Ms. Rama Halder (Santra)
... for the private respondents

Learned counsel appearing for the petitioner contends that the petitioner sought for a new electricity connection at his premises, which was not given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Learned counsel appearing for the Distribution Licensee files a report, as per previous direction of the Court, along with an annexed hand-sketch map, and indicates on the basis of the same that there is no physical demarcation of any of the routes or passages and over all the routes there are land disputes. Hence, it has been stated in the report that connection may be

directed after physical demarcation between public passage and private property after field enquiry by the local Block Land and Land Reforms Officer.

Learned counsel appearing for the private respondents contends that the private respondents have objection in the event the connection is given over the private respondents' property.

It is submitted that the private respondents have never given any consent to such connection being given to the petitioner over their property.

Upon hearing learned counsel for the parties, it is evident that, as indicated by the WBSEDCL in its report, there is a dispute with regard to the passage, over which electricity connection can be given to the petitioner. Even the allegation of the petitioner as regards an existent public passage in the adjacent area, has been disputed in the report.

Hence, it is a fit case where the factual dispute has to be resolved by the concerned District Magistrate, if necessary, upon seeking for a report from the appropriate authority, including the local Block Land & Land Reforms Officer.

Since the petitioner has produced several documents, including a certificate of the Local Panchayat, to the effect that the petitioner has been residing at the premises, it would not be possible for the Writ Court with its limitations to assess such

material evidence to come to any conclusion to the rights of the petitioner.

Hence, W.P.A. No. 6760 of 2021 is disposed of with liberty to the petitioner to refer the dispute between the petitioner and the WBSEDCL, having arisen on the objection of the private respondents and other objectors, as raised in the present writ petition, before the concerned District Magistrate.

If so approached, the District Magistrate shall decide the issue in accordance with law, upon giving opportunity of hearing to all concerned, if necessary, by seeking a proper report in that regard from the concerned Block Land & Land Reforms Officer and/or from any other appropriate authority.

Such adjudication shall preferably be done by the District Magistrate within eight weeks from the date of reference by the petitioner of the dispute, keeping in mind the urgency involved since the petitioner is without electricity at present.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)