

03
10.05.2022
TN

WPA No. 6067 of 2022

Naba Kumar Mandal

Vs.

The Station Manager, Champahati Electricity Office
(CCC), West Bengal State Electricity Distribution
Company Limited and others

Mr. Jaydipta Mandal

.... for the petitioner

Mr. S.S. Koley

.... for the WBSEDCL

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

The grievance of the petitioner is that, due to an
enmity between the local Panchayat Pradhan, that is,
the respondent no.7 and the petitioner, the said
Pradhan has earmarked a passage belonging to the
petitioner as the route for giving electricity connection
to the private respondent nos.8, 9 and 10.

However, the petitioner specifically raised
objection in that regard before the West Bengal State
Electricity Distribution Company Limited (for short

“the WBSEDCL”) as annexed at page-27 of the writ petition, despite which no reply was given to the same.

Such connection, in the meantime, is about to be effected over the disputed passage and, for the said purpose, two electricity poles have already been installed on the said passage.

Learned counsel appearing for the Distribution Licensee contends that the passage-in-question was indicated to be a public passage by the Panchayat. In any event, the Distribution Licensee had no role to play in causing any disturbance to the petitioner or the petitioner’s land.

However, the dispute regarding the ownership of the said passage is not addressed directly by counsel.

In the circumstances, the appropriate authority to decide the issue regarding the objection taken by the petitioner is the concerned District Magistrate, that is, the respondent no.6 herein.

Hence, WPA No.6067 of 2022 is disposed of by directing the respondent no.6, that is, the District Magistrate, District: South 24 Parganas to decide on the objection taken by the writ petitioner to the installation of the electricity poles and giving a connection to the respondent nos.8 to 10 over the disputed passage, upon *prima facie* deciding the right, title and interest thereto and on giving adequate

opportunity of hearing to all concerned, in accordance with law, preferably within six weeks from the date of communication of this order to the District Magistrate.

The District Magistrate shall act on the communication by the learned Advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy thereof, for the purpose of implementation.

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.)