

AD-49
Ct No.09
11.08.2022
TN

WPA No. 6215 of 2022
IA No: CAN 1 of 2022

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

Mr. Amit Ranjan Pati
.... for the petitioner

Ms. Sudipa Ray,
Mr. Maniklal Dey
.... for the State

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
.... for the WBSEDCL

Mr. Sagnik Mukherjee
.... for the private opposite parties

In Re: IA No: CAN 1 of 2022

IA No: CAN 1 of 2022 is allowed, thereby
impleading the added respondents as parties to the
writ petition.

In Re: WPA No: 6215 of 2022

Affidavit-of-service filed in court today be kept
on record, which indicates that all parties, including
the added respondents, have been served.

Learned counsel for the petitioner contends, by
placing reliance on several judgments of this court
and the Supreme Court, that under Section 67 of the

Electricity Act, 2003, non-furnishing of a Way Leave certificate cannot be the sole hindrance in giving electricity connection to the petitioner.

Such citations were recorded in the order dated May 05, 2022. Today an additional decision, that is, *(2011) 12 SCC 314 [Chandu Khamaru vs. Nayan Malik and others]*, is also cited in such context.

It is submitted that under the Works of Licensees Rules, Rule 3 permits the District Magistrate to give necessary permission if so required, when objections are raised to such electricity supply.

Learned counsel for the added private respondents submits that the private respondents seek employment in the farm which is sought to be established by the petitioner on his deceased father's property.

Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that the WBSEDCL made several efforts to take an inspection, but failed to do so due to resistance of the local people.

In reply, learned counsel for the petitioner reiterates that although initially objection had been given by the local people, most of them have subsequently withdrawn such objection.

Be that as it may, the objection has been raised merely on the flimsy footing that the added respondents seek to use strong-arm tactics to extort jobs from the petitioner.

Such methodology is not sanctioned by law. It does not appear that any valid objection has been raised by the added private respondents. As such, no Way Leave permission from such people, who have otherwise no legal right to resist the electricity connection being given to the petitioner, can be taken note of in directing electricity to be given to the petitioner.

Hence, WPA No. 6215 of 2022 is disposed of by directing the WBSEDCL to hold an inspection for the purpose of ascertaining the feasibility of giving the electricity connection to the petitioner as per the petitioner's application and subsequently, to give such connection as expeditiously as possible, preferably within six weeks from all formalities being complied with by the petitioner, of course, subject to compliance of such formalities.

In the event the WBSEDCL personnel face any obstruction from any quarter, either from the added respondents or any third party, while taking such inspection or giving the electricity connection to the petitioner, it will be open to the WBSEDCL personnel

to approach the respondent no.8, the Officer-in-Charge, Pingla Police Station for adequate police assistance in that regard, if necessary by deployment of additional forces to resist the local people from subjecting the WBSEDCL personnel to any risk of personal harm.

Such police help shall be given at the cost of the petitioner.

However, in the event the added respondents have a valid legal right to canvass in respect of the property-in-question, it will be open to the private respondents to approach the competent civil forum for ventilating such grievance.

If so approached, nothing in this order shall influence the competent forum from deciding the issue independently in accordance with law.

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.)