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10.05.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6871 of 2022

Pradipta Mukherjee
-vs.-
State of West Bengal & Ors.

Mr. Indrajeet Dasgupta,
Ms. Puspita Bhowmick,
Ms. Rima Biswas
...for the petitioner

Ms. Sanghamitra Nandy,
Mr. Bhaskar Chakraborty
...for the State

Mr. Debjit Mukherjee
...for the WBSEDCL

Affidavit-of-service filed in Court today be kept
on record.

The limited scope of the challenge in the
present writ petition is that the concerned District
Magistrate, that is, the respondent no. 2, has not
decided on the specific application made by the
petitioner under Section 17 of the Indian Telegraph Act,
1885 (although erroneously captioned as one under
Section 10(2) of the said Act), till date.

It is pointed out by learned counsel appearing
for the petitioner that, in the body of the complaint, as
annexed at page 31 (Annexure P-6) of the writ petition,

Section 17(1) of the 1885 Act has been quoted and referred to.

Learned counsel appearing for the Distribution Licensee, in his usual fairness, submits that the District Magistrate is the appropriate authority to decide the issue.

Accordingly, W.P.A. No. 6871 of 2022 is disposed of by directing the respondent no. 2, that is, the District Magistrate, South 24-parganas, to decide on the application made by the petitioner under Section 17 of the 1885 Act, by ignoring the erroneous caption of the same and treating it to be an application under Section 17 of the 1885 Act, as expeditiously as possible, upon giving adequate opportunity of hearing to all interested parties, in accordance with law, preferably within six weeks from the date of communication of this order to the said respondent.

It is made clear that the adjudication shall be on the basis of the application, as annexed at page 31 (Annexure P-6) of the writ petition, dated February 17, 2022.

The petitioner shall serve a notice of this order along with a server copy of the same and a copy of the writ petition afresh on the respondent no. 2 to ensure compliance of the same.

The respondent no. 2 shall act on the server copy of this order without insisting upon prior production of a certified copy thereof.

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.)