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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. 6876 of 2022

Chayan Bag

-vs.-

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Amitesh Chakraborty
...for the petitioner

Mr. Debanjan Mukherjee
...for the WBSEDCL

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mandal
...for the private respondent

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

The grievance of the petitioner is that the Distribution Licensee, despite the specific request of the petitioner to shift the electricity meter of the private respondent, Ram Chandra Bag, from the petitioner's premises, have not acted upon the same. By referring to Annexure P-4 at page 14 of the writ petition, which is a communication to the said private respondent, Ram Chandra Bag, from the WBSEDCL, dated April 08, 2021, it is submitted that documents were wanted from the said Ram Chandra Bag regarding ownership of the

premises of the said Ram Chandra Bag where the latter had taken electricity connection.

It is evident from the said communication, it is submitted, that such documents were sought much after the objection was taken by the petitioner.

Learned counsel appearing for the Distribution Licensee submits that on the request of the petitioner, to resolve the dispute, a joint inspection was held in the presence of both the petitioner and the private respondent by the WBSEDCL, upon which a reply was given on May 17, 2021 (Annexure P-3 At page 13 of the writ petition) to one Chayan Bag (the petitioner herein) to the effect that it is a matter of dispute regarding ownership of the premise and that the office of the WBSEDCL is in no way a suitable authority to prove the legal ownership of any premise by any person. It is submitted unanimously by learned counsel appearing for the private respondent as well as the WBSEDCL that the electricity connection was given to the private respondent as long back as on November 03, 2002.

Learned counsel appearing for the private respondent further submits that the private respondent purchased the property in the year 1997 and the present writ petitioner has only purchased the property in the year 2019, that is, about 17 years after the electricity connection being given. As such, it is submitted that there cannot arise any question of the

private respondent being given electricity connection over the premises of the petitioner.

Learned counsel for the petitioner, in reply, controverts the submission of learned counsel for the private respondent and submits that the premises of the private respondent and the petitioner are situated in different plots.

It appears from the respective contentions of the parties and the stand taken by the WBSEDCL that the private respondent purchased the property, to which electricity connection was given in the year 2002, in the year 1997, as opposed to the writ petitioner, who purchased the property only in the year, 2019.

Since the petitioner purchased his property about 17 years after the electricity connection being given to the private respondent, irrespective of the identity of the premises of the petitioner and the private respondent or otherwise, there could not have been any occasion to take such electricity connection to the premises of the private respondent over the land of the writ petitioner, simply because the petitioner became the owner of the property long thereafter.

It is rightly contended by learned counsel appearing for the WBSEDCL that the dispute between private parties is a dispute as regards title, which can only be decided by a competent Civil Court and neither

the Writ Court nor the Distribution Licensee can decide the same.

In such view of the matter, W.P.A. No. 6876 of 2022 is disposed of without interfering with the electricity connection given to the private respondent, however, granting liberty to the petitioner to approach the competent Civil Court to ventilate the petitioner's grievances against the private respondent in respect of the rights, titles and interests of the parties respectively in the disputed premises.

This Court has not gone into the merits of the contentions of the petitioner and the private respondent regarding their respective claims of titles/rights.

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.)