

7th June,
2022
(AK)
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W.P.A 7127 of 2022

Abdulla Sekh & Sk Abdullah
Vs.
The State of West Bengal and others

Mr. Uday Sankar Chattopadhyay
Mr. Pronoy Basak
...for the petitioner.

Ms. Suvasree Ghose
...for WBSEDCL.

Mr. Manas Kundu
Mr. Debabrata Mondal
...for the State.

Md. Hassanuz Zaman
...for the respondent no.12.

Learned counsel for the petitioner submits that a direction may be given to the Distribution Licensee to provide electricity connection to the petitioner for running submersible pump of the petitioner and proforma respondent no.15.

In the writ petition, apart from the above prayer, the writ petitioner has also prayed that the submersible pump installed by the private respondent be declared to be unauthorized and illegal and the respondent no.11 be directed to take appropriate action against the installation of submersible pump by the private respondent.

Such reliefs, in a writ petition, are unheard of. The writ court has no jurisdiction to declare the validity or

legality of a submersible pump and/or the right of parties to movable or immovable properties.

In the present case, upon hearing learned counsel for the Distribution Licensee and respondent no.13, it is amply clear that the petitioner did not even care to apply for permanent electricity connection for the purpose of operating his submersible pump.

Although the petitioner has enjoyed temporary connection from time to time, the last such extension had expired long back.

In the meantime, the private respondent has taken a permanent electricity connection in respect of the private respondent's submersible pump situated in the vicinity.

The petitioner seeks a relief seeking declaration of such installation of submersible pump of the private respondent as illegal and unauthorized.

It is submitted that the private respondent illegally shifted the location of the submersible pump from the position for which connection was taken to another.

Be that as it may, since the private respondent applied for permanent electricity connection and was duly given such connection, it is for the Distribution Licensee to consider illegality, if any, on the part of the private respondent in taking such connection and the petitioner, merely by virtue of being a neighbour, does not have the *locus standi* to raise such dispute at all.

Moreover, the writ petition is evidently a backlash, since the petitioner has come to know that the private respondent's submersible pump, to which a permanent connection has already been given, is situated within the prohibited area of the petitioner's submersible pump and, as such, the petitioner is not even entitled in law to apply for electricity connection to his submersible pump.

Merely to bypass the provisions of law and legal restrictions and in order to pre-empt the rejection of his future application for electricity connection, the petitioner has filed the present writ petition for getting an electricity connection and a direction from the court to that effect, without even caring to apply before the distribution licensee for a permanent electricity connection for his submersible pump.

In the circumstances, the writ petition is patently *mala fide* and does not deserve even a moment's scrutiny.

Accordingly, WPA 7127 of 2022 is dismissed on contest, with costs of Rs.1,000/- payable by the petitioner to the private respondent within a week from date.

The written instructions filed by learned counsel for the Distribution Licensee be kept on record.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)