

15th September,
2022
(AK)
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W.P.A 7349 of 2022

Ranu Das
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Ajit Kumar Mishra
Mr. Amritam Mondal
Mr. Abhishek Dey

...for the petitioner.

Mr. Sumit Ray

...for the WBSEDCL.

Affidavit-in-opposition, reply and supplementary affidavit filed by the petitioner in court today be kept on record.

Learned counsel for the petitioner submits that the petitioner is the owner of a pond and the surrounding embankment, which is also recorded in the name of the petitioner in the records of rights.

However, it is alleged that the WBSEDCL installed electricity pole for giving electricity connection to a third party/ third parties without taking any consent from the petitioner, in gross violation of Rule 3 of the Works of Licensees Rules, 2006.

Learned counsel for the respondents disputes such contention and submits that the said embankment is

actually a path for the use of the general public and has been so recorded.

As such, particularly since no objection was raised from any quarter at the time of installation, there arose no question of taking any prior consent from the petitioner.

Since the respondents are disputing the right, title and interest of the petitioner to the passage-in-question, where the electricity pole was installed, it is appropriate if the District Magistrate, who is the authority contemplated under Rule 3 of the 2006 Rules to decide such disputes, resolves the issue.

Hence, WPA 7349 of 2022 is disposed of by granting liberty to the petitioner to approach the District Magistrate, having territorial jurisdiction over the area where the electricity pole is situated, with the grievance as raised in the present writ petition.

If so approached, the District Magistrate shall give an opportunity of hearing and production of relevant documents to the petitioner, the WBSEDCL and all other interested parties, if any, and decide the issue in accordance with law as expeditiously as possible, preferably within ten weeks from the matter being referred to the District Magistrate.

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.)