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17.05.2022
TN

WPA No. 7729 of 2022

Panchanan Dey and others
Vs.
The CESC Limited and others

Mr. Dilip Kumar Sadhu
.... for the petitioner

Ms. Sreemoyee Mitra
.... for the CESC Limited

Mr. A. Chakraborty,
Mr. P.K. Bhattacharyya
.... for the State

Md. Salamuddin,
Mr. Amar Krishna Saha,
Ms. Smita Singh
...for the private respondents

Learned counsel for the petitioners contends that, despite having applied for a new electricity connection in the name of the petitioners, the CESC Limited has not yet given such connection.

Learned counsel for the CESC Limited argues that, due to obstruction created by the respondent nos.5 to 7 and their men and agents, no electricity connection could be given to the petitioners.

Learned counsel appearing for the private respondents contends that the writ petition is not maintainable in law and in its present form, since the petitioner no.1 is the only applicant for such new connection, whereas petitioner nos.2 and 3 have been added unnecessarily as petitioners to the present writ petition.

That apart, learned counsel for the private respondents submits that the private respondents are the owners of the premises and the petitioners are trespassers in respect thereof.

Such contention, of course, is controverted by learned counsel appearing for the petitioners.

Learned counsel appearing for the State submits that the State has no objection otherwise to grant adequate police help, if necessary, for the purpose of giving electricity connection, subject to payment of costs therefor by the petitioner.

The police report filed by learned counsel for the State be kept on record.

Upon hearing the contentions of learned counsel for the parties, it is evident that, at the worst, petitioner nos.2 and 3 have been added as superfluous parties to the present writ petition. However, as the rights of the petitioner nos.2 and 3 are also affected, since the said petitioners are the

family members of the petitioner no.1, the applicant, insofar as the electricity connection is concerned, all the petitioners have *locus standi* to present the instant writ petition and, as such, the objection of mis-joinder of parties, raised by the private respondents, is not accepted.

Insofar as the ownership claimed by the private respondents and inasmuch as the allegation of the private respondents, that the petitioners are mere trespassers, are concerned, the civil rights and contentions of the parties are not being gone into by the writ court, nor could those be gone into by the CESC authorities.

It will, in any event, be open to the private parties to ventilate their grievances in respect of their respective civil rights before a competent civil court, if necessary.

WPA No.7729 of 2022 is disposed of by directing the CESC Limited to give a new electricity connection to the petitioner, subject to compliance of all formalities in that regard by the petitioner no.1, as expeditiously as possible, preferably within a fortnight from date. In the event the private respondent nos.5 to 7 and/or their men and agents create any obstruction to the CESC personnel giving such connection to the petitioner no.1, it will be open to the CESC personnel

to approach the respondent no.4, the Officer-in-Charge, Shyampukur Police Station for adequate police assistance in that regard. If so approached, the respondent no.4 shall grant such police help to the CESC personnel for the limited purpose of giving a new electricity connection to the petitioners and to remove any obstruction, if put up in the way of access of the CESC personnel to the existing meter board position, at the cost of the petitioners.

The parties shall act on the written communication of the learned Advocates for the parties, accompanied by server copies 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)