

AD. 19.
May 17, 2022.
MNS.

WPA No. 7796 of 2022

Sri Raakesh Rathore
Vs.
The CESC Limited and others

Mr. Biplab Ranjan Bose

...for the petitioner.

Ms. Sreemoyee Mitra

...for the CESC Limited.

Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Halder
...for the State.

Mr. Pinaki Ranjan Mitra

...for the respondent no. 4.

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

The report authored by the Officer-in-Charge
of Golabari Police Station filed in Court be taken on
record.

Learned counsel for the petitioner submits
that, due to the obstruction created by the private
respondent no. 4, the petitioner could not get new
electricity connection at the premises-in-question. In
the meantime, the respondent no. 4 had filed a civil
suit in which the present writ petitioner was also
impleaded as a defendant. In the said suit, it is fairly
submitted by learned counsel for the petitioner on
instruction, the civil court has passed an order of

temporary injunction. However, it is argued that there are certain illegalities in the said order.

However, learned counsel for the private respondent no. 4 opposes such contentions of the petitioner and submits that since the matter is sub judice before a competent civil court, no direction ought to be passed by the writ court.

Learned counsel appearing for the State submits in tune with the petitioner insofar as the pendency of the matter before the civil court is concerned.

Learned counsel for the CESC Limited submits that, in view of the subsistence of the injunction order, no steps could be taken by the CESC Limited for giving new electricity connection to the petitioner.

Upon hearing learned counsel for the parties, it is evident that a specific restraint order has been passed by the competent civil court, whereby the petitioner cannot get electricity connection at the premises subject, of course, to any challenge, if preferred, against the order of injunction in an appeal.

Hence, WPA No. 7796 of 2022 is disposed of by granting liberty to the petitioner to approach the appellate court with a challenge against the order of injunction passed by the civil court and to pray for

appropriate order before the appellate court, subject to the result of the appeal, if preferred.

If such an appeal is filed by the petitioner, the appellate court shall consider the same subject to the law of limitation and in accordance with law without being influenced in any manner by any of the observations made herein.

It is made clear that this Court has not entered into the merits of the respective contentions of the parties made in this writ petition.

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.)