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06.06.2022
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WPA No.8581 of 2022

Lalpati Devi Pandey
Vs.
The State of West Bengal and others

Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta
.... for the petitioner

Mr. Aswini Kr. Bera
.... for the State

Mr. Debanjan Mukherji
.... for the CESC Limited

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

Despite service, none appears for the private
respondent, although the other parties are
represented through counsel.

Learned counsel for the petitioner argues that
the petitioner, who is in possession of the suit
premises, obtained an order of injunction from a
competent civil court against the private respondent
restraining the private respondent from disturbing the

petitioner's possession in respect of the property-in-question.

The private respondent no.5, on the other hand, has also initiated a suit for eviction on the allegation that the petitioner is the licensee in respect of the premises. At this juncture, despite the petitioner applying for a new electricity connection, the Calcutta Electric Supply Corporation Limited (for short "the CESC Limited") is not being able to give the said connection primarily due to resistance created by the private respondent no.5.

Learned counsel appearing for the CESC Limited submits that the petitioner has sought a service connection to be given at the premises. However, for giving such connection, apart from compliance of the formalities (which has already been done by the petitioner), the petitioner also has to take adequate measures in respect of the communications of the CESC Limited, as annexed at pages-32 and 34 of the writ petition, respectively dated June 20, 2018 and October 01, 2018, by making construction of the proposed meter board position and shed, the details of which have been given in the said communications.

That apart, the CESC Limited has no other objection to give electricity connection to the petitioner.

As far as the requirement indicated by the CESC Limited is concerned, the writ court does not have jurisdiction to enter into the merits of the civil rights and contentions of the petitioner and/or the private respondent no.5 sitting in this jurisdiction and it is for the competent civil court, in the suits instituted by the petitioner on the one hand and by the respondent no.5 on the other, to decide such issues, including the issue as to whether the petitioner has a right to make constructions in consonance with the request of the CESC Limited at the premises-in-question. However, subject to the petitioner making such construction, if necessary by obtaining adequate order from the civil court, the CESC Limited shall give new electricity connection to the petitioner irrespective of the resistance created by the private respondent no.5, as expeditiously as possible after the petitioner completes all formalities as asked for by the CESC Limited, preferably within four weeks from the date of compliance of such formalities.

In the event the CESC personnel are obstructed by the private respondent no.5 and/or his men and agents in giving such connection, even after compliance of formalities by the petitioner as indicated above, it will be open to the CESC personnel to approach the respondent no.4, the Officer-in-

Charge, Serampore Police Station for appropriate police assistance in that regard. If so approached, the respondent no.4 shall grant such assistance at the cost of the petitioner by acting on the communication of this order by the learned Advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

WPA No.8581 of 2022 is accordingly disposed of.

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.)