

7th June,
2022
(AK)
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W.P.A 8992 of 2022

Chandan Pal
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Samiran Mandal
Mr. S.C. Dhara
Mr. Abhinaba Das
...for the petitioner.

Dr. Madhusudan Saha Ray
...for the WBSEDCL.

Mr. Bidyut Kumar Banerjee
...for the respondent nos.7 to 12.

Learned counsel for the petitioner argues that, due to the resistance put up by the private respondent nos.7 to 12, the WBSEDCL is not being able to give electricity connection to the petitioner as per the petitioner's application.

Learned counsel for the Distribution Licensee submits that it was clearly communicated on April 20, 2022 to the petitioner from the end of the WBSEDCL that, upon an inspection, it was found that the petitioner could not show sanctioned approach road to his house.

As such, he was requested to show sanctioned approach road for the WBSEDCL to complete line drawal work for giving a new service connection at the premises.

In the alternative, the petitioner was requested to submit way leave permission for such drawal of low voltage line to the house of the petitioner.

Learned counsel appearing for the private respondent nos. 7 to 12 submits that the alleged passage, over which the petitioner is seeking electricity connection and alleges that the private respondents are also enjoying connection, belongs exclusively to the private respondent nos.7 to 12 and the petitioner has or had no right at any point of time, of passage or otherwise, over the said property.

It is further submitted by learned counsel for the private respondent that there exists an alternative route for the petitioner to take electricity connection to his premises. Such connection, however, is disputed by learned counsel for the WBSEDCL.

It is evident from the contention of the parties that the question as regards the right of the petitioner vis-à-vis the respondent nos.7 to 12 in respect of the passage-in-question is in dispute.

Hence, the matter ought to have been referred to the concerned District Magistrate, that is, respondent no.2.

In such view of the matter, WPA 8992 of 2022 is disposed of by directing the petitioner to refer the dispute to respondent no.2, that is, District Magistrate at Bankura at the earliest.

Upon such reference being made, the District Magistrate shall, upon due notice to all concerned, including the Distribution Licensee, the private respondent and the petitioner, and after granting adequate opportunity of hearing, adjudicate the dispute in accordance with law, preferably within two months from the date of reference to the District Magistrate.

It is further clarified that, in the event the District Magistrate so deems fit, the District Magistrate will be at liberty to seek an appropriate report in respect of the respective rights and contentions of the private parties from the Block Land and Land Reforms Officer (BL & LRO).

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.)