

7th June,
2022
(AK)
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W.P.A 9096 of 2022

Patit Ghosh
Vs.
The State of West Bengal and others

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Tapas Manna

...for the petitioner.

Mr. Kanak Kiran Bandyopadhyay
...for the WBSEDCL.

Mr. Suman Sengupta
Mr. Saikat Chatterjee
...for the respondent nos.3 & 5.

Learned counsel for the petitioner argues that the police authorities are asking for exorbitant costs to grant police help to the WBSEDCL personnel, that too, pursuant to an order of the court, for the purpose of giving electricity connection to the petitioner.

Learned counsel for the State submits, by placing reliance on a photocopy of estimated costs, apparently acknowledged by putting signature by the petitioner, which is handed over in court today, that the petitioner is well aware and acceded to the police costs which were estimated by the police authorities.

Such estimated costs be kept on record.

It is further contended that there is apprehension of disturbance from the neighbours in the locality, for which

the number of police personnel required have been disclosed in the estimate.

Learned counsel appearing for the Distribution Licensee submits that there was huge resistance on the part of the entire neighborhood and, as such, a large police contingent would be necessary for the purpose of giving electricity connection to the petitioner.

It transpires from the records and the submission of the parties that, by a previous order of a coordinate Bench, the petitioner was granted the relief of getting electricity connection from the WBSEDCL, subject to police help if the WBSEDCL personnel were resisted in doing so.

However, since the petitioner was directed to pay the police help costs, the petitioner preferred an appeal against the order of the learned Single Judge, which met with dismissal, thereby affirming the order of the learned Single Judge in all respects, including the component of payment of police costs by the petitioner.

It is rightly submitted by learned counsel for the Distribution Licensee that the issue is barred by the principle of *res judicata*, since the same was raised before the Division Bench in connection with the previous appeal from the order passed by the learned Single judge on the past occasion and was finally decided by the Division Bench.

As such, there is no scope of reopening the same issue over and over again.

Although learned counsel for the petitioner tries to impress upon the court that the grievance of the petitioner is in respect of the charges levied by the police authorities, it is beyond the jurisdiction and scope of scrutiny of the writ court to assess the actual costs required by the police on a factual appraisal of material evidence.

Hence, there is no scope of interference in the present writ petition.

Accordingly, WPA 9096 of 2022 is dismissed.

The WBSEDCL personnel, however, shall be entitled to approach the police authorities for adequate police assistance.

Upon the petitioner paying up the police help costs as estimated by the Superintendent of Police, Ranaghat Police District, the police will render necessary assistance to the WBSEDCL personnel for the purpose of giving electricity connection to the petitioner.

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.)