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20.06.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9567 of 2022

Uttam Kumar Sahoo
-vs.-
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Bibekananda Tripathy
...for the petitioner

Mr. Partha Ganguly
...for the WBSEDCL

Ms. Sipra Mazumdar,
Ms. Prativa Ghatak
...for the State

Learned counsel for the petitioner contends, on instruction, that in the meantime, the petitioner's application for conversion of the property purchased by the petitioner to a *bastu* property has been allowed and the conversion has already taken place. The petitioner relies on the purchase deed of the petitioner and extracts from the relevant records of right, which are annexed to the writ petition, respectively at pages 16 and 23 thereof. However, the Distribution Licensee, it is alleged, has installed a transformer for giving electricity connection to the private respondent nos. 6 and 7 on the petitioner's land.

Despite service, none appears for the private respondents. The affidavit-of-service filed in Court today be kept on record.

Learned counsel appearing for the WBSEDCL submits, also on instruction, that the property on which the transformer has been installed for the purpose of giving electricity connection, inter alia, to the private respondents, belongs to the railway-authorities and has no connection with the petitioner's property. Moreover, as evident from the writ petition, it is submitted that the application for *bastu* conversion is still pending.

Be that as it may, there is obviously a factual dispute as regards the conversion of the property-in-dispute as well as the identity of the property, where the transformer has been installed, and as to whether it belongs to the petitioner or not.

Hence, W.P.A. No. 9567 of 2022 is disposed of by directing the respondent no. 3, that is, the District Magistrate, Purba Medinipur, to decide the dispute as raised in the present writ petition and depicted in the representation given by the petitioner to the respondent no. 3, as annexed at page 26 of the writ petition, upon giving adequate opportunity of hearing to the petitioner, the private respondents, the WBSEDCL and all others concerned, if any, in accordance with law without being influenced in any manner by any of the observations made herein, as expeditiously as possible, positively within eight weeks from

date and to communicate the outcome through the office of the District Magistrate to the parties concerned immediately thereafter.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)