

C/L. 55.
September 8, 2022.
MNS.

WPA No. 9370 of 2018

Md. Zunab Ali
Vs.
The State of West Bengal and others

Mr. Sibnath Ganguly,
Mr. Anindya Halder

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Suman Sengupta,
Mr. Sanatan Panja

...for the State.

Learned counsel for the petitioner contends that despite due service, the private respondent no. 5 is not appearing. Such allegation is corroborated by the affidavit-of-service, which is filed in Court today and is kept on record.

The grievance of the petitioner is that despite the petitioner having complied with all formalities as per the quotation raised by the CESC Limited for the purpose of taking a new electricity connection, such connection has not yet been given due to resistance created by respondent no. 5.

Although none appears for the respondent no. 5, the State and the CESC Limited are represented through counsel, apart from the petitioner.

Learned counsel for the CESC Limited contends that for giving the service connection sought by the petitioner, the CESC Limited has to lay underground cables, for which there may be objections raised by the persons whose lands have to be dug up, in all probability, for giving such connection. Hence, it is contended that the matter is best referred to the District Magistrate concerned.

Upon going through the contentions of the parties and the gamut of the dispute raised, since the CESC Limited itself is of the opinion that underground cable installations will be necessary, requiring the digging of properties of other people, the petitioner ought to approach the concerned District Magistrate with the present dispute.

Accordingly, WPA No. 9370 of 2018 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question for resolving the dispute as raised herein

by the private respondent and upon such approach being made, the concerned District Magistrate shall, on giving an opportunity of hearing to the petitioner, the private respondent, the CESC Limited and any other objector, if there be, decide the issue in accordance with law as expeditiously as possible, preferably within eight weeks from the date of such reference to the Magistrate.

The District Magistrate and all concerned shall act on the written communication of the learned Advocates of the parties, coupled with a server copy of this order, without insisting upon prior production of a certified copy thereof for compliance of the same.

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.)