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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 10460 of 2022

Tapan Das

-vs.-

State of West Bengal & Ors.

Mr. Bhaskar Chakraborty,
Mr. Subrata Mukherjee
...for the petitioner

Mr. Amitava Chaudhuri,
Mr. N. Nag
...for the CESC Limited

Mr. Subhas Jana
...for the respondent no. 6

Mr. S.N. Chattopadhyay
...for the respondent no. 7

Learned counsel appearing for the petitioner submits that despite an order of this Court, directing the police-authorities to assist the CESC Limited in giving an electricity connection to the petitioner, after such installation and due to resistance of the private respondents, the petitioner is not being able to use the electricity meter. When the petitioner approached the police-authorities, it is alleged, no assistance was given to the petitioner by the said authorities. Accordingly, the petitioner has written a letter to the Commissioner of Police, Barrackpore Commissionerate (annexure P-3 at page 23 of the writ petition) in that regard.

Learned counsel appearing for the private respondent nos. 6 and 7 opposes the contention of the petitioner.

Learned counsel appearing for the CESC Limited submits that the specific direction on the CESC Limited was to give an electricity connection to the petitioner, which has already been complied with by the said authority. A communication and a photocopy of a photograph of the newly installed meter have been handed over by learned counsel appearing for the CESC Limited in Court, which is kept on record.

It is apparent from the order dated April 26, 2022 passed by this Court in W.P.A. No. 5480 of 2022, a photocopy of the server copy of which has been annexed herewith, that the direction on the CESC Limited was limited to the giving of a new electricity connection to the petitioner and the police authorities were directed to assist the CESC personnel in doing so.

However, since it transpires from the materials-on-record that such direction has already been complied with by the CESC Limited as well the police authorities, there is no further scope to castigate the CESC Limited or the police in that regard.

However, insofar as the petitioner's allegation of subsequent resistance by private respondent nos. 6 and 7 is concerned, it is open to the petitioner to approach the appropriate criminal forum and/or civil forum for getting

adequate relief in that regard. However, it is beyond the scope of this Court, at this juncture, to pass any further direction on the CESC Limited and/or consequentially on the police-authorities to provide assistance to the CESC personnel.

Accordingly, W.P.A. No. 10460 of 2022 is disposed of by granting the petitioner liberty to approach the appropriate forum with the allegations levelled against the private respondents, which fall within the ambit of a private dispute between the petitioner and the private respondents.

This Court has not entered into the merits of the allegations levelled by the petitioner against the private respondents, which have been denied by the private respondents, and the appropriate forum shall decide on the same independently, in accordance with law, without being influenced in any manner by any of the observations made herein.

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.)