

C/L. 35.
July 7, 2022.
MNS.

WPA No. 12415 of 2022

Bholanath Rakshit
Vs.
The State of West Bengal and others

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal

... for the petitioner.

Mrs. Rituparna Maitra

...for the Distribution Licensee.

Affidavit-of-service filed in Court today be
taken on record.

Despite service, none appears on behalf of
the private respondent, although the Distribution
Licensee and the petitioner are represented
through counsel.

The grievance of the petitioner is that,
despite the petitioner having applied for a new
electricity connection in his own name, the
Distribution Licensee has refused to give such
connection without a 'Way Leave' certificate
being obtained from the private respondent, on
the ground that at the time of inspection it was
revealed that the petitioner was aware of cases

lodged by the private respondent against the petitioner.

The Distribution Licensee has also referred to certain case numbers in the said context.

Learned counsel for the Distribution Licensee reiterates that upon production of a Way Leave certificate, there is no objection on the part of the Distribution Licensee to give a new electricity connection to the petitioner, subject to compliance of all due formalities by the petitioner.

A perusal of the communication of the Distribution Licensee shows that no written objection has been referred to therein. The mere objection by the private respondent to the effect that certain penal cases have been initiated against the petitioner cannot entitle the private respondent to resist the petitioner from getting electricity connection to the premises in respect of which the petitioner is apparently in possession.

Hence, WPA 12415 of 2022 is disposed of by directing the Distribution Licensee to give electricity connection to the petitioner, subject to the petitioner complying with all formalities expeditiously within a fortnight from date, irrespective of production of any 'Way Leave'

certificate by the petitioner from the private respondent no. 7 or otherwise.

In the event the personnel of the Distribution Licensee face any obstruction in giving such connection despite compliance of formalities by the petitioner, it will be open to the Distribution Licensee to approach the respondent no. 6, that is, the Officer-in-Charge, Chanditala Police Station, for police help in that regard.

If so approached, the respondent no. 6 shall grant such police assistance at the cost of the petitioner.

The police will be at liberty to remove any hindrance or obstruction to the way of access to the Distribution Licensee personnel for the purpose of giving such connection, of course, subject to compliance of due formalities by the petitioner.

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.)