

ML-57
Ct No.09
04.08.2022
TN

WPA No. 14671 of 2022

Sankar Narayan Sadhukhan @ Sankar Sadhukhan
Vs.
The State of West Bengal and others

Mr. Raju Mondal

....for the petitioner

Mr. Sujit Sankar Koley

....for the WBSEDCL

Learned counsel for the petitioner submits that despite the petitioner already enjoying a commercial connection at the premises-in-question, the petitioner's application for a new industrial connection has been refused on the ground of non-production of Way Leave permission/No Objection from the concerned local body.

It is submitted that since the petitioner is already enjoying one connection at the premises itself, it is beyond the authority of the Distribution Licensee to insist upon a Way Leave certificate, that too, from the local body.

Learned counsel appearing for the WBSEDCL hands over a copy of an objection allegedly given by the local villagers to the petitioner taking an industrial connection on the ground that the connection is being

sought to be taken on an unauthorized construction being made on a *debuttar* property.

Although learned counsel for the petitioner controverts such allegation and submits that the petitioner is equipped with valid documents of title, it is beyond the scope of the Writ Court to embark upon such factual inquiry and appreciation of documents.

Since the District Magistrate is the competent forum for resolving disputes of such nature, WPA No. 14671 of 2022 is disposed of by directing the WBSEDCL to refer the dispute to the concerned District Magistrate of the area on the basis of the objections taken by the local people.

As and when so referred, the District Magistrate shall decide on the same upon giving an opportunity of hearing to all concerned, including the petitioner, the objectors and the Distribution Licensee in accordance with law upon considering the respective documents sought to be produced by the parties.

Such adjudication, it is expected, shall be done within a reasonable period, preferably within eight weeks from the date of communication of this order to the District Magistrate.

The District Magistrate shall act on the communication of the learned Advocates for the parties, accompanied by a server copy of this order

without insisting upon prior production of a certified copy thereof.

The copies of the written objection and connected instruction handed over by learned counsel for the WBSEDCL in court today be kept on record.

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.)