

10.06.22
Sl-17
Ct.32
(S.R.)

FMA No.1023 of 2021
with
IA No: CAN 1 of 2019
(Old No: CAN 12183 of 2019) [Not found]

Sri Ganesh Chandra Sen
v.
Satha Ranjan Das @ Satya Ranjan Das & Ors.

Mr. Bratin Kr. Dey
Ms. Anjana Banerjee
Mr. Pradeep Pandey ... for the appellant.

The present appeal has been preferred challenging an order dated 14th June, 2019 passed in WP No.28614 (W) of 2015. No one appears on behalf of the respondents.

Mr. Dey, learned advocate appearing for the appellant submits that the appellant is the owner of the concerned plot of land. The private respondent/writ petitioner was illegally occupying a portion of the said plot of land. He applied for domestic connection though he was running a business. Without taking into consideration such facts, the order impugned in the present appeal was passed directing grant of electricity connection to the writ petitioner.

Answering our query, Mr. Dey, however, submits that the order impugned in the present appeal has already been complied with by the Distribution Company and that electricity connection has already been granted to the writ petitioner.

It appears that the writ petition was disposed of after exchange of affidavits by the parties.

Even if there is any dispute as regards ownership of land, the same can be decided in an appropriate proceeding but such dispute cannot prevent an occupier from availing electricity connection [See the judgment delivered in the case of *Abhimanyu Mazumdar v. Superintending Engineer* reported in 2011 (2) CHN 768].

In view thereof, we do not find any infirmity in the order dated 14th June, 2019 passed in the writ petition directing the Distribution Company to grant electricity connection to the writ petitioner, who happens to be the occupier of the concerned plot and as such, no interference is called for in the present appeal.

However, it is made clear that the grant of such electricity connection will not confer any right or equity in favour of the respondent/writ petitioner over the concerned plot of land and will not defeat the title of the lawful owner.

With the above observations, the appeal and the connected application are disposed of.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)