

S/L. 19.
September 28, 2022.
MNS.

WPA No. 15606 of 2022

Surajit Maity
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Ajoy Debnath,
Mr. Asit Kumar De

...for the petitioner.

Mr. Debanjan Mukherjee

...for the WBSEDCL.

Mr. Kalipada Chakraborty

...for the respondent no. 8.

The grievance raised by the petitioner is that the private respondent no. 8 is resiling from his original stand and objecting to an electricity connection being given to the petitioner.

Learned counsel for the WBSEDCL submits, on instruction, that since the application was of the year 2012, a fresh inspection was held, when it has been ascertained that the electricity connection, if to be given, has to go over the plot of the private respondent no. 8.

Learned counsel appearing for the private respondent no. 8 submits that there is no

objection on the part of his client if the electricity connection is not taken over the plot of the private respondent no. 8, as indicated in Annexure –R of the affidavit-in-opposition filed by the WBSEDCL.

Learned counsel for the petitioner controverts such submission and raises an objection with regard to the ownership of the disputed property. Learned counsel for the petitioner also seeks to rely on certain documents to urge that the respondent no. 8 is not the owner of the property-in-dispute.

Be that as it may, as rightly argued by learned counsel for the WBSEDCL, the appropriate authority for deciding such disputes, for which documents and other materials are required to be looked into and their evidentiary value *prima facie* assessed, is the District Magistrate concerned.

In such view of the matter, WPA 15606 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area with regard to the dispute as raised in the present writ petition.

If such an approach is made, the District Magistrate shall decide the issue in accordance

with law without being influenced in any manner by any of the observations made herein, upon giving adequate opportunity of hearing to all concerned, as expeditiously as possible, preferably within eight weeks from the date of communication of the order to the said District Magistrate.

Since the District Magistrate is not a party to the present writ petition, the petitioner is directed to serve a server copy of this order on the District Magistrate as well as the other relevant pleadings and papers as required by the District Magistrate as early as possible for the purpose of ensuring compliance.

If such a server copy is produced before the District Magistrate concerned, the Magistrate shall act upon for the same for the purpose of compliance with this order without insisting upon prior production of a certified copy thereof.

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.)