

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16262 of 2022

Mahendra Singh & Ors.
Vs.
CESC Limited & Ors.

Mr. Sounak Bhattacharyya,
Mr. Sounak Mondal
...for the petitioners

Mr. Rajiv Lall
...for the CESC Limited

Mr. Asish Kumar Guha,
Mr. N.G. Dostidar
...for the State

Mr. Tapas Mukherjee
...for the private respondent

Learned counsel appearing for the petitioners contends that due to certain reasons beyond the control of the petitioners, the petitioners could not be represented when a previous writ petition was decided by this Court. The said writ petition was filed at the behest of the present private respondent and this Court had ordered, vide order dated July 08, 2022 passed in W.P.A. 11932 of 2022, that electricity connection had to be given by the CESC Limited to the present private respondent (writ petitioner therein) with the help of police, if necessary.

It is submitted that the property at which the electricity connection has been given, stands in the

name of the present petitioners. The petitioners are the owners of the said property where the electricity meter of the private respondent has been placed. Hence, it is submitted that the petitioners' interest is directly and adversely affected.

It is contended by learned counsel appearing for the CESC Limited that proper recourse of the petitioners is not to prefer a new writ petition, since no subsequent cause of action has occurred. In view of the order of this Court dated July 08, 2022, it was the incumbent duty of the CESC Limited to give such connection, which has been duly given. Hence, there is no scope of reopening the issue now at the behest of the present petitioners.

Such arguments are adopted by learned counsel appearing for the private respondent. It is submitted that the order was passed by this Court on the writ petition filed by the petitioner of the previous writ petition (private respondent herein) after due service of notice on the present writ petitioners.

It transpires that, despite service, none appeared for the private respondents in the said writ petition, that is, W.P.A. 11932 of 2022 (the present writ petitioners), upon which the order dated July 08, 2022 was passed directing the CESC Limited to give new electricity connection to the present private respondent.

Hence, there is no scope of interfering, sitting in a collateral jurisdiction, with the order dated July 08, 2022.

Accordingly, W.P.A. No. 16262 of 2022 is disposed of by granting the petitioners liberty to challenge the order dated July 08, 2022 passed in W.P.A. No. 11932 of 2022, before the appropriate Division Bench having jurisdiction.

It is made clear that this Court has not entered into the veracity of the allegations made in the present writ petition and since no affidavit has been invited, it is deemed that the allegations made in the writ petition are denied by the present respondents.

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.)