

AD. 7.
March 24, 2022.
MNS.

WPA No. 17420 of 2021

Mr. Balwant Singh
Vs.
CESC Limited and others

Mr. Debanjan Mukherjee

...for the CESC Limited.

None appears for the petitioner when the matter is called on for hearing, although the CESC Limited is represented through counsel.

Since the petitioner had been appearing in person, sufficient lenience was shown to the petitioner by granting adjournments on the last few occasions.

It is evident from the records that the petitioner chose to remain absent/unrepresented on January 5, 2022, January 7, 2022, February 21, 2022 and February 28, 2022, even apart from today.

Learned counsel for the CESC Limited files a true copy of a communication to the petitioner, who has been appearing in person, indicating the gist of the previous order, along with the accompanying postal slips.

Despite such communication having been despatched at the right address, the petitioner still remains absent on several occasions.

A bare perusal of the writ petition indicates that the petitioner has been repeatedly abusing the process of court by seeking the same relief in successive writ petitions, lastly the present writ petition. In fact, despite the electricity connection of the petitioner having been cut-off on valid grounds, the petitioner has prayed in the present writ petition primarily for a writ in the nature of mandamus commanding the CESC Limited, respondent herein, to restore the electricity connection for the business of the petitioner “just on humanitarian ground”. The petitioner has invoked “conscionable justice” and has pleaded that he is a senior citizen, who is entitled to amenities of electricity as a “citizen litigant”.

There is no scope of inferring any *bona fides* on the part of the petitioner, who has been repeatedly abusing the process of court.

It is further evident from the submission of learned counsel for the CESC Limited that two previous similar attempts of the petitioner had been deprecated by different Benches of this Court by imposing costs at different junctures, which were never paid by the petitioner. As such, the attempt of the petitioner to abuse the process of court in a flagrant manner is strongly deprecated. Since the petitioner has not deposited any of the costs, as directed in previous matters by the Court, there cannot arise any question of the petitioner pleading

humanitarian ground or conscionable justice, which are not in consonance with the patently *mala fide* conduct of the petitioner. However, since the petitioner is extremely recalcitrant and has ostensibly failed to pay any of the costs as directed earlier, I choose to refrain from such futile exercise of imposing costs again.

However, WPA No. 17420 of 2021 is dismissed on the above grounds.

The petitioner is restrained from taking out the same challenge in any future writ petition before this Court, unless some new cause of action arises to prompt the petitioner to do so.

In the event the petitioner prefers a fresh writ petition, the court taking up such matter may consider the observations made in this order.

It will be the incumbent duty of the petitioner to place a copy of this order before the Court where the petitioner intends, if at all, to move future writ petition(s) on the same cause of action.

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.)