

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 17803 of 2022

Parimal Maji
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Goutam Dinda,
Mr. Sandip Ray
... for the petitioner

Mr. Sujit Sankar Koley
...for the WBSEDCL

Mr. Saptarshi Banerjee,
Mr. Kuntal Banerjee
...for the private respondent

Learned counsel appearing for the petitioner contends that due to resistance put up by the private respondent no. 3, Sri Uday Saha, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is not being able to give electricity connection to the petitioner's residence.

Learned counsel appearing for the WBSEDCL supports such contention of the petitioner but submits that the electricity connection shall have to be given to the petitioner over an alternative route than the original route, via which such connection previously existed in favour of the petitioner.

Learned counsel appearing for the private respondent no. 3 contends that the private respondent

no. 3 was intimated only on August 11, 2022 as regards the endeavour of the WBSEDCL to give electricity connection to the petitioner over the alternative route. However, on August 12, 2022 itself, the private respondent gave a written objection to the WBSEDCL indicating that if the electricity connection was so given to the petitioner, the overhead cable would bisect the property of the private respondent no. 3 midway, thereby dividing it in two halves, which would be to the gross detriment of the private respondent's interest and in future constructions, if sought to be raised by the private respondent.

Be that as it may, since under the law the concerned District Magistrate is the appropriate authority to decide such objection, if raised by one of the landowners in giving electricity connection, there is no scope for the writ court to enter into the factual aspects of the dispute.

Accordingly, W.P.A. No. 17803 of 2022 is disposed of by granting leave to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question in respect of which the grievance has been raised.

If so approached, the District Magistrate shall give adequate opportunity of hearing to the petitioner, the private respondent no. 3 as well as the WBSEDCL and other interested persons, if any, and thereafter decide

such dispute on the basis of the materials furnished by the parties, if necessary, requiring an enquiry for such purpose by the appropriate authority, in accordance with law, as expeditiously as possible, preferably within eight weeks from the date of first reference of the dispute to the District Magistrate.

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.)