

7th September,
2022
(AK)
04

W.P.A 18818 of 2022

Md. Oyes Koronie
Vs.
WBSEDCL and others

Mr. Mukteswar Maity
Ms. Manika Sarkar

...for the petitioner.

Mr. Debjit Mukherjee

...for the WBSEDCL.

Learned counsel for the petitioner submits that despite the petitioner having given a representation, the respondent authorities are not looking into the same.

It is submitted that the private respondent no.7 has unlawfully taken electricity connection for operating his submersible pump without complying with the necessary legal formalities.

The complaint of the petitioner has been annexed at page-18 of the writ petition.

Learned counsel for the Distribution Licensee points out that there is no allegation against Setab Sekh (respondent no. 6) in the complaint made by the petitioner before the authorities.

Moreover, the complaint is filled with allegations against one Lutful Sekh, who has been not impleaded.

Learned counsel for the petitioner in reply submits that Lutful Sekh has expired and that is the reason why he has not been impleaded.

It is submitted that Hasimuddin Sk., the respondent no.7. is carrying on the submersible pump for which the complaint was lodged.

It is further submitted that Setab Sekh is the son of late Lutful Sekh and since Setab Sekh affirmed the affidavit in support of Hasimuddin Sk., he has also been impleaded in the matter.

Upon hearing learned counsel for the parties, it is evident that there is no allegation against Setab Sekh within the four corners of the complaint and/or representation filed before the respondent authorities.

Although there is justification in omitting Lutful Sekh as he has been alleged to have deceased, Setab Sekh's impleadment does not carry any meaning in the eye of law, as he is neither a necessary nor proper party to the writ petition.

Merely because somebody affirmed an affidavit in support of another cannot be sufficient reason to embroil the former as a litigant.

In the present case, the petitioner has taken sufficient steps before the criminal court by preferring an application under Section 144 of the CrPC.

However, since an allegation has been raised against Ali Hasimuddin, WPA 18818 of 2022 is disposed of by directing the WBSEDCL to decide on the representation given by the petitioner as annexed at page-18 of the writ petition, upon giving an opportunity of hearing to all

interested parties, including respondent no.7 and the petitioner and to decide on the same as expeditiously as possible, in accordance with law.

The name of the respondent no.6, Setab Sekh shall stand expunged from the cause title of the present writ petition and necessary consequential corrections shall be carried out by the learned advocate-on-record for the petitioner during the course of the day.

The 'Settlement of facts' filed on behalf of the WBSEDCL and affidavit-of-service filed in court today be kept on record.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)