

AD-34  
Ct No.09  
04.11.2022  
TN

WPA No. 19823 of 2022

Satyajit Maji  
Vs.  
West Bengal State Electricity Distribution Company  
Limited and others

Md. Bani Israil,  
Mr. Biswajit Tiwari,  
Sk. Salim

.... for the petitioner

Mr. Mitali Bhattacharya

.... for the WBSEDCL

Mr. Sharanya Chatterjee,  
Mr. Nepesh Majhi

.... for the private respondent no.5

The prayer of the petitioner is that the representation given by the petitioner to the Distribution Licensee be considered.

Learned counsel appearing for the private respondent submits that the contentions raised in the writ petition are subject-matter of a civil dispute and also denies such contentions on merits.

Be that as it may, it transpires from the said representation dated May 02, 2022, annexed at page-43 (Annexure P-7) of the writ petition, that to decide the contentions raised therein, the Distribution Licensee has virtually to decide issue of title, which belongs to the domain of the civil court exclusively.

Hence, there is no scope for granting such prayer.

As such, WPA No. 19823 of 2022 is disposed of by granting liberty to the petitioner to approach the competent civil court for the reliefs sought by the petitioner with regard to the title of the property and ancillary questions.

If such an approach is made, the competent civil court shall decide such issues in accordance with law subject to the merits of the case without being influenced in any manner by the present disposal of the writ petition.

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.)