

AD-08
Ct No.09
21.09.2022
TN

WPA No. 20477 of 2022

Sk. Nuruddin
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Mohammad Mahmud,
Mr. Biswajit Bhattacharya

.... for the petitioner

Mr. Sumit Ray

.... for the WBSEDCL

Mr. Mohinoor Rahaman,
Sk. Abu Musu,
Mr. Sirajul Haque Mondal

.... for the respondent no.3

Affidavit-of-service filed in court today be kept
on record.

Learned counsel for the petitioner contends that
the private respondent, by committing a fraudulent
act, had a purported deed of transfer executed in his
favour, impersonating the petitioner.

Hence, a civil suit has also been filed by the
petitioner, which is now pending. In the suit, the
transfer in favour of the petitioner itself has been
challenged. As such, it is contended that the
electricity connection given to the private respondent
ought to be disconnected, since the occupation, if at

all, of the private respondent in respect of the said vacant land is unlawful.

Learned counsel appearing for the private respondent contends that the writ petitioner is guilty of suppression of material facts. It is submitted that there was a partition by metes and bounds by way of a partition deed between the predecessor-in-interest of the private respondent and the petitioner. Subsequently, the predecessor-in-interest of the private respondent transferred the demarcated property to the private respondent, upon which the application for electricity was made by the private respondent at the connection given.

In-between, a deed of exchange was executed between the original owners. As such, the occupation of the private respondent is valid and based on good title.

Such contentions, however, are further refuted by learned counsel for the petitioner.

Be the facts whatever they may, since the electricity connection has already been given to the private respondent by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) upon due compliance of formalities, subsequent to which the objection was filed by the petitioner primarily on the ground of pendency of the suit and

the allegations in tune with those made in the plaint of the suit, there cannot be any reason why the right of the private respondent to enjoy electricity, being in occupation of the property in the perspective of the WBSedCL, at least *prima facie*, should be violated.

Whatever the case may be, the dispute between the private parties is the subject-matter of a civil dispute, which is now sub-judice before the competent civil court and will be decided in due course in accordance with law by the said court.

However, the electricity connection given to the private respondent, *ipso facto*, cannot create or confer a special right, title or equity in favour of the private respondent to affect the contentions of the parties in the suit. The suit will be decided independently by the civil court in accordance with law without being influenced in any manner by any of the observations made herein and/or by the factum of the electricity connection being given to the private respondent simpliciter.

Hence, there is no scope for interference in the matter.

Accordingly, WPA No. 20477 of 2022 is disposed of in the light of the above observations.

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.)