

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 20704 of 2022

Tapan Paik
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Subrata Bhattacharyya
... for the petitioner

Mr. A Shukla
...for the WBSEDCL

Mr. S. Banerjee,
Mr. Md. Giasuddin Molla
...for the respondent nos. 5 and 6

Learned counsel appearing for the petitioner contends that the petitioner's electricity connection was severed by the neighbours, who are private respondents herein. Thereafter, due to obstruction created by the neighbours, the new electricity connection could not be given to the petitioner by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Learned counsel appearing for the private respondents disputes such contention and submits that the crux of the representation given by the petitioner lastly before the WBSEDCL is that, despite the petitioner having applied, the WBSEDCL is not giving electricity connection to the petitioner over the

land adjacent to the houses of the private respondents. However, if the connection is given over the said route, it is submitted, the private respondents shall run the risk and hazard of electrocution, since the connection will then be placed immediately adjacent to the houses of the private respondents and other neighbours of the petitioner.

Learned counsel appearing for the WBSEDCL contends that the WBSEDCL has already laid electricity cables over an alternative path, which can be connected to the petitioner's house to restore the petitioner's electricity connection. However, it is submitted that due to the petitioner's disagreement to such alternative solution, the connection could not be given.

It is evident from the allegations and counter-allegations that the petitioner has categorically contended that his electricity line was illegally disconnected by the private respondents. The veracity of such allegation shall be ascertained before an appropriate competent criminal forum and not in the writ court.

However, irrespective of the consequences of such complaint, which shall be dealt with by the appropriate authorities in due course, since the WBSEDCL assures that an alternative route can be used for the purpose of re-electrifying the petitioner's premises, there cannot

be any hindrance to such course of action being taken, particularly since the WBSEDCL assures, contrary to the allegation of the petitioner, that no further charges for installation of new electricity poles will have to be borne by the petitioner for the said restoration.

Hence, W.P.A. No. 20704 of 2022 is disposed of by directing the WBSEDCL to restore the electricity connection of the petitioner as expeditiously as possible, preferably within a fortnight from date.

It is made clear that neither the petitioner nor the private respondents shall cause any obstruction to the WBSEDCL in giving such connection over the above-indicated alternative route.

In the event any obstruction is raised from any quarter, it will be open to the WBSEDCL personnel to approach the respondent no. 4.

If so approached, the respondent no. 4, that is, the Officer-in-Charge, Minakhan Police Station shall provide such assistance at the cost of the petitioner for the limited purpose of giving such connection to the petitioner.

It is made clear that nothing in this order shall prejudice the rights and contentions of the parties in any criminal proceeding, which may be pending or be initiated in future and/or in any civil dispute before a competent civil court, if any.

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.)