

14. 08.02.2022  
Ct. No.06  
Tanmoy

**M.A.T. 1408 of 2021  
With  
IA No: C.A.N. 1 of 2022**

**Pranab Kumar Das  
-Versus-  
The State of West Bengal & Ors.**

**(Through Video Conference)**

Mr. Arjun Mukherjee, Adv.,  
Mr. Lal Ratan Mondal, Adv.,  
Mr. Probal Sarkar, Adv.

...for the appellant.

Mr. Sudipto Panda, Adv.,  
Ms. Munmun Tiwari, Adv.

...for the State.

Mr. Sujit Sankar Koley, Adv.

...for the W.B.S.E.D.C.L.

Mr. Pratip Kumar Chatterjee, Adv.

...for the respondent nos. 8 & 10.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

An order dated November 29, 2021, whereby W.P.A. 9120 of 2021 was disposed of, is under challenge in the present appeal, which has been filed by the writ petitioner.

The writ petitioner approached the learned Single Judge alleging unauthorized construction by the West Bengal Electricity Distribution Company Limited (in

short, the “electricity company”) on a particular plot of land, of which the writ petitioner claimed to be the owner through inheritance. The writ petitioner urged that the electricity company was constructing a Customer Care Centre on the concerned plot without having any sanctioned plan therefor.

The electricity company produced documents before the learned Single Judge, which showed that the company had purchased the concerned plot of land from the father of the writ petitioner. The learned Judge observed that there seems to be a dispute with regard to title, which cannot be adjudicated conveniently in a writ Court. The writ petition was disposed of by granting liberty to the petitioner to approach the appropriate forum in accordance with law.

Being aggrieved, the writ petitioner is before us by way of the present appeal.

We have heard learned Counsel for the parties. The electricity company has produced the indenture *vide* which the company purchased the concerned plot of land from the writ petitioner’s father. Mutation Certificate and Tax receipt, issued by the Kandi Municipality, have also been produced. Let copies thereof be kept with the records. It appears that the mutation was done in favour of the electricity company after filing of the writ petition, which created the confusion. There is, however, no confusion now. The

electricity company, having acquired the plot in question, naturally is entitled to make construction thereon.

Learned Advocate for the appellant says that the electricity company has made construction without obtaining any sanctioned plan. Learned Advocate for the Municipality disputes such submission. Be that as it may, in the event, the appellant can demonstrate before the Municipality that the electricity company has made construction without sanctioned plan, the concerned Municipality shall take appropriate steps in accordance with law.

The appeal being M.A.T. 1408 of 2021 and the connected application being IA No: C.A.N. 1 of 2022 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties upon compliance with all usual formalities.

**(Kausik Chanda, J.)**

**(Arijit Banerjee, J.)**