

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 22831 of 2022

Smt. Chandana Paramanik

-vs.-

The Chairman, West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Anjan Banerjee

...for the petitioner

Ms. Suvasree Ghose

...for the WBSEDCL

Mr. Souradeep Dutta

...for the respondent no. 4

Mr. Pappu Adhikari

...for the respondent no. 5

The inspection report filed by the WBSEDCL, affidavit-in-opposition and exception to the inspection report filed by the respondent no. 5 and the affidavit-in-reply filed by the petitioner today be kept on record.

The grievance of the writ petitioner is that the writ petitioner sought an electricity connection at her premises, which was resisted by the private respondents.

A report has been filed today by learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) pursuant to an order of the Court, which indicates the factual situation at the locale.

Learned counsel appearing for the Private respondent no. 4 disputes the veracity of the averments of some of the portions of the sketch-map, annexed to the report, particularly inasmuch as the joint property of one Gopal Sadhukhan and the respondent no. 4, that is, one Goutam Pramanick, has been shown as the exclusive property of Gopal Sadhukhan. It is further contended that the electricity supply, if taken over the passage indicated by the points F-A-B-E in the sketch-map, will be detrimental to the interest of the respondent no. 4 since it will go directly to the house of the respondent no. 4.

Learned counsel appearing for the respondent no. 5 submits that the respondent no. 5 is agreeable to the connection being given over the route demarcated as F-C. However, if the electricity is given via F-C, the said route will intrude in the house of the respondent no. 5.

The version of WBSEDCL is that it would not be safe to give the connection over the route indicated by the points F-A-B-E. However, it can be given over the route F-C.

It transpires from the submissions of the parties and the affidavits filed by them, including the report and the exception thereto, that there is an existing dispute regarding the ownership of the various portions of the property.

It is beyond the scope of the writ court to decide the disputed questions of fact inasmuch as the appreciation of material evidence, including the parties' respective title deeds, etc. are required.

As such, the said exercise cannot be undertaken within the limited scope of the present writ petition. As per the extant law and regulation, the concerned District Magistrate is the appropriate authority to decide disputes regarding the electricity connection being given.

In such view of the matter, W.P.A. No. 22831 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question with the disputes as raised in the present writ petition.

The District Magistrate, upon such approach being made by the petitioner, decide the issue in accordance with law and upon giving opportunity of hearing to all concerned, as expeditiously as possible, positively within six weeks from the date of approach being made by the petitioner.

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.)