

AD-13
Ct No.09
14.11.2022
TN

WPA No. 22995 of 2022

Sri Hamanta Mondal
Vs.
State of West Bengal and others

Mr. Sarbananda Sanyal
.... for the petitioner

Mr. Mujibar Rahaman,
Mr. Tarak Karan
.... for the State

Mr. Saurav Chaudhuri
.... for the WBSEDCL

The petitioner's grievance is that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has installed an electricity pole on the petitioner's premises and seeks to electrify the same.

It is submitted that no consent or information was either taken from or given to the petitioner.

Learned counsel for the WBSEDCL submits that the proposed electrification, for which purpose the pole was erected, was on the application of a third party to the writ petition, who has not been impleaded and is required to be made a party.

Moreover, it is denied that the electricity pole has been installed on the property of the petitioner.

Be that as it may, the matter is required to be decided under the law by the concerned District Magistrate in view of the objections and counter-objections and the factual questions involved.

Accordingly, WPA No. 22995 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction with the dispute as arisen in the present writ petition. If so approached, the said District Magistrate shall decide the issue upon giving due notice and opportunity of hearing to all concerned, including the petitioner, the WBSEDCL and the person for whom the electricity pole has allegedly been installed, in accordance with law as expeditiously as possible, preferably within eight weeks from the date of such reference being made to the District Magistrate.

The learned Advocate for the WBSEDCL is requested to hand over the details of the proposed applicant, for giving electricity connection to whom the electricity pole has apparently been installed, to his counterpart appearing for the petitioner by tomorrow (15.11.2022).

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.)