

15th November,
2022
(AK)
05

W.P.A 23058 of 2022

Sk. Nur Mohammad and another
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Indranath Mukherjee
Mr. Sukanta Mondal
...for the petitioners.

Mr. Saurav Chaudhuri
...for the WBSEDCL.

Mr. Malay Singh
Ms. Neelam Singh
...for the State.

None appears for the private respondents, although the petitioners and WBSEDCL are represented through counsel.

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

Due to resistance created by the private respondent nos.7 to 9 and their men and agents, the WBSEDCL personnel have failed twice to get access to the petitioners' property for the purpose of giving electricity connection to the petitioners.

It is submitted by learned counsel for the petitioners, in his usual fairness, that a partition suit has been filed by the private respondents against the

petitioners, in which initially an order of status quo *ante* was passed.

However, upon the present petitioners having preferred a miscellaneous appeal against the same, bearing F.M.A.T No. 178 of 2022, a Division Bench of this court disposed of the said appeal on June 22, 2022, thereby indicating that status quo would be maintained by the parties as on April 22, 2022.

However, it was also clarified by the Division Bench that the said order would not prevent the appellants therein (present writ petitioners) from applying for a new electricity connection in accordance with law.

Since the petitioners have done so but the private respondents are still resisting the electricity connection, there is no other option but to decide the writ petition in favour of the petitioners.

Accordingly, WPA 23058 of 2022 is allowed, thereby directing the WBSEDCL personnel to give electricity connection to the petitioners at the earliest, preferably within two weeks from date.

In the event any obstruction is created by the private respondent nos. 7 to 9 and/or their men and agents in doing so, it will be open to the WBSEDCL officials to approach the respondent no.6, that is, the Inspector-in-Charge of the Bagnan Police Station for adequate police assistance in that regard.

If so approached, the respondent no.6 shall act on the communication of the learned advocates for the parties, accompanied by a server copy of this order, without insisting upon prior production of a certified copy and give such assistance to the WBSEDCL personnel at the cost of the petitioners.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)