

8th December,
2022
(AK)
02

W.P.A 24803 of 2022

Ajay Krishna Pradhan
Vs.
State of West Bengal and others

Mr. Kumar Jyoti Tewari
Mr. Aniruddha Tewari
...for the petitioner.

Mr. Sumit Kr. Panja
Mr. Mihir Kumdu
...for the WBSEDCL.

Mr. Swapan Kr. Pal
...for the State.

Learned counsel for the petitioner contends that the petitioner initially obtained a partial decree of declaration, asserting his right to access his submersible pump (SMP).

However subsequently, due to obstruction raised by the people in the locality, the WBSEDCL could not give such connection to operate the petitioner's submersible pump.

During pendency of the writ petition, a further objector was named by the WBSEDCL, who has been impleaded and a copy of the writ petition was sent to him.

However, despite valid service in the eye of law, none appears for the respondents, including the added respondent at the time of call.

The affidavit-of-service filed today with regard to service on the additional respondent be kept on record.

Since it is contended by learned counsel for the WBSEDCL, on query of court, that no written objection has been filed by any of the objectors but obstruction is being raised vehemently, there is no further scope of directing service of notice on the private respondents.

Accordingly, WPA 24803 of 2022 is disposed of by directing the WBSEDCL to give new electricity connection to the petitioner for operating the petitioner's submersible pump, subject to compliance of all formalities by the petitioner.

The connection shall be given within a fortnight from the compliance of formalities and/or the date of this order, whichever is later.

In the event the WBSEDCL personnel face any obstruction from the private respondents and/or their men and agents in doing so, it will be open to the WBSEDCL personnel to approach the respondent no.7, that is, the Officer-in-Charge of the Keshpur Police Station for adequate police assistance.

The necessary police help costs for grant of such assistance, if necessary, for assistance by a task force, shall be borne by the petitioner.

The respondent no.7, however, shall act on the written communication of the learned Advocates for the parties coupled with server copy of this order, without insisting upon prior production of a certified copy thereof.

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.)