

WPA 24820 of 2022

Mr. Sachit Talukdar
Mr. Karan Bapuli
...for the petitioner
Ms. Sreemoyee Mitra
Mr. Kapil Guha
...for the CESC
Mr. Anirban Majumder
Mr. Somnath De
...for respondent no.7
Mr. Swapan Kr. Pal
...for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent to render assistance and/or protection to the respondent no.6 in order to enable them to undertake the task of restoration of electricity connection to the petitioner's electric meter without being deterred by the threats of the private respondent and his associates.

Learned counsel for the petitioner submits as follows. There is a property dispute between the petitioner and the private respondent no.7. Status quo order was granted in favour of the present petitioner. However, in the meantime, the petitioner learnt that someone gave an application to the CESC forging his signature for withdrawing the electricity connection. Accordingly, electricity was disconnected. However, he made an application for reconnection of

electricity. On two dates, the CESC officials went to visit the premises. But, the private respondent and his men, agents forcibly prevented them from entering. This is despite the fact that police personnel were present there. The petitioner has prayed for adequate police help at the said premises for inspection of the same by the CESC officials and possible reconnection on particular date/s.

Learned counsel appearing on behalf of the State submits that the State would not come in the way if such prayer is allowed. If directed, they would render adequate police help.

Learned counsel for the CESC Ltd. seeks similar assistance to inspect and/or reconnect electricity. The CESC officials would not be able to make a third attempt without adequate police protection.

Learned counsel appearing on behalf of the respondent no.7 submits as follows. Although a significant portion of the property is, in fact, joint property, a substantial portion of the property was gifted away by the petitioner's father to the respondent no.7. The same has also been demarcated. The petitioner's contention is that the electricity official should not enter that portion of the property which belongs to the respondent no.7.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

Water and electricity connections are absolutely

essential facilities to which all citizens are entitled. Such rights cannot be denied at any cost.

Regardless of what might have happened earlier vis-à-vis purported false application seeking withdrawal of electricity connection, the Electricity Authorities shall inspect the said premises and/or reconnect the existing electricity connection in accordance with law. For this, if there are alternative ways to approach the relevant portion of the property through the joint part of the property, which is admittedly so, then they shall try to access the meter from such area. If there is no such way through which an access can be availed of, then the CESC authority shall be at liberty, upon due notice to the respondent no.7, to access the same through a portion the property that the respondent no.7 claims to be exclusively his own.

In this effort, adequate police help shall be rendered by the respondent authorities, particularly the respondent nos.4 and 5, upon due notice.

Costs of the police help shall be borne by the petitioner.

Let the exercise be completed within a week from the date of communication of this order to the respondent nos. 4 and 5.

Allegations are not admitted by the parties as no affidavit has been called for.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)