

D/L. 14.
December 12, 2022.
MNS.

WPA No. 25275 of 2022

Layla Bibi
Vs.
The West Bengal State Electricity
Distribution Company Limited
and others

Mr. Samik Ganguli,
Mr. Sourat Nandy

... for the petitioner.

Mr. Soumyajit Chakraborty

...for the WBSEDCL.

Mrs. Juin Dutta Chakraborty,
Mr. Debasish Kundu

...for the respondent nos. 5 to 9.

Learned counsel for the petitioner submits that the petitioner sought a separate electricity connection in her name at her premises. However, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is not being able to give such connection due to resistance put up by the private respondent nos. 5 to 9.

Learned counsel appearing for the WBSEDCL submits, on instruction, that previously no application had been made for electricity connection by the petitioner. However,

subsequently, upon such an application having been made, the WBSEDCL inspected the locale and found that there is a pathway over which the electricity connection can be given to the petitioner.

Learned counsel appearing for the private respondent nos. 5 to 9, however, contends that the only passage to which the WBSEDCL is referring belongs exclusively to the private respondents and is the space between two structures of the private respondents themselves. As such, the electricity connection cannot be given over such passage.

The facts in contention revolve around the entitlement of the parties to use the passage for the purpose of taking electricity connection to the petitioner's property. Although the petitioner's right to take such independent connection is not in dispute, unless the controversy raised between the parties is resolved on a factual appreciation of the surrounding circumstances, the writ court cannot compel one of the parties to concede to the rights of the other.

Accordingly, WPA No. 25275 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate,

having territorial jurisdiction over the area, with the dispute as raised by the petitioner in the present writ petition.

If so approached, the District Magistrate shall, if necessary, upon asking for a report from the appropriate authority, including the concerned BL&LRO and/or any other appropriate authority as deemed fit by the Magistrate, resolve the dispute between the parties in accordance with law, as expeditiously as possible.

It is expected that such adjudication shall be completed within six weeks from the date of reference 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)