

AD. 15.
March 8, 2022.
MNS.

(Through Video Conference)

WPA No. 23638 of 2019
with
CAN 1 of 2020 (Old CAN 589 of 2020)

Ananda Gopal Hazra
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Pratip Chatterjee,
Mr. Goutam Banerjee

...for the petitioner.

Mr. Saurav Chaudhuri

...for the WBSEDCL.

Mr. Jahar Dutta,
Mr. Bipin Ghosh

...for the State.

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

Despite service, none appears on behalf of the
substituted private respondents, although the
petitioner and the West Bengal State Electricity
Distribution Company Limited (in short 'WBSEDCL')
as also the State are represented through counsel.

The grievance of the petitioner is that the
private respondents (now substituted private
respondents) are occupying a portion of the
petitioner's property unlawfully and illegally and have
transferred a 'submersible pump' standing thereon in

the name of the original private respondent in favour of third parties.

Learned counsel for the petitioner submits that the said occupation is *ex facie* unlawful. Moreover, the petitioner does not have any right to have the submersible pump or the SWID certificate transferred in the name of a third party.

Hence, the petitioner seeks disconnection of the private respondents' electric supply.

Learned counsel for the WBSEDCL submits that there is no provision known to him in law, entitling a person, even if owner of the property, to seek disconnection of the electric supply given in the name of an occupier.

There is substance in the contention of the WBSEDCL. Even this Court does not find any provision whereby and whereunder the purported owner of a premises is entitled to ask for disconnection of the electric supply of one of the occupiers, without any specific decree or order of the competent civil court in that regard.

The right of the petitioner against the private respondents, if any, lies in an appropriate civil proceeding before a competent civil court.

Hence, the present writ petition filed at the behest of the petitioner, who claims to be the owner of the property-in-question, for disconnection of the

electric supply given to the private respondents, is not maintainable in law and in fact.

Accordingly, WPA No. 23638 of 2019 is dismissed.

However, it is made clear that this Court has not entered into the respective rights and contentions of the petitioner and the private respondents and it will be open to both sides to urge all their issues as regards the civil rights and title in respect of the property in an appropriately constituted proceeding before a competent court of law.

In view of disposal of the main writ petition, the connected application, if any, is disposed of accordingly.

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.)