

AD-06
Ct No.09
08.12.2022
TN

WPA No. 26501 of 2022

Srikanta Bag
Vs.
Calcutta Electric Supply Corporation
Limited and others

Mr. Sudip Ghosh Chowdhury
.... for the petitioner

Mr. Debanjan Mukherji
.... for the CESC Limited

Mr. Arup Kumar Bhowmick
....respondent no.7 (in person)

Mr. Dhananjay Banerjee
....for the respondent no.8

Mr. Pratip Mukherjee,
Mr. Omar Faruk Gazi
....for the respondent nos.9 & 10

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

Learned counsel for the petitioner contends that
due to obstruction created by the private respondents,
the petitioner/owner is not being able to take a new
electricity connection to his premises.

By placing reliance on the annexed photocopy of
such objection by the private respondents, learned
counsel for the petitioner submits that the petitioner
is open to an alternative passage than that of the

objectors being used for giving the electricity connection to the petitioner.

However, in view of the nature of the dispute raised, which borders on a dispute as to the nature and character of the proposed alternative pathway, a third party ought not to be saddled with the burden of bearing the brunt of the electricity connection going over her/his property without being heard.

Hence, for the ends of justice, it would only be appropriate if the concerned District Magistrate decides the issue upon consideration of the factual nitty-gritties of the matter.

Accordingly, WPA No. 26501 of 2022 is disposed of with liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the matter with the complaint in respect of not getting electricity connection to his property in view of the objections raised by the private respondents. If so moved, the District Magistrate shall give an adequate opportunity of hearing to all concerned, including the parties to the present writ petition and other objectors, if any, and decide the issue in accordance with law, if necessary upon calling for a report from the B.L&L.R.O or any concerned authority which the District Magistrate

deems fit to resolve the issue raised between the parties.

It is expected that such consideration shall be concluded by the District Magistrate expeditiously, preferably within one month from the date of the complaint being lodged by the petitioner before the District Magistrate.

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.)