

AD-28
Ct No.09
14.12.2022
TN

WPA No. 27040 of 2022

Sunil Das
Vs.
The Chairman, West Bengal State Electricity
Distribution Company Limited and others

Mr. Md. Zeeshanuz Zaman

.... for the petitioner

Ms. Mitali Bhattacharya

.... for the WBSEDCL

Learned counsel for the petitioner argues that an electricity connection is being sought to be given to the private respondent no.9 over the property of the petitioner, thereby endangering the safety of the petitioner. It is submitted that there is an existing alternative route via a different pole existing at a distance, which, if used for the purpose of giving such electricity connection, shall not adversely affect the interest of any party.

Despite service, none appears for the private respondent. Affidavit-of-service filed in court today be kept on record.

For the adjudication of the present dispute, it is required to be ascertained whether the alternative path suggested by the petitioner is technically feasible

for giving electricity connection to the private respondent.

Accordingly, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is needed to hold an inspection at the premises-in-question, on prior notice to the petitioner as well as the private respondent no.9, for the purpose of ascertaining the feasibility of such alternative route.

However, at this juncture, learned counsel for the petitioner limits his prayer to the extent that the concerned District Magistrate may be directed to decide the dispute as raised by the petitioner.

As such, the inspection, as indicated above, is rendered unnecessary.

Accordingly, WPA No. 27040 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate, that is, the District Magistrate, Purba Burdwan (respondent no.2 herein), with the complaint as raised in the present writ petition. If so approached, the District Magistrate shall act on the communication of the learned Advocates for the parties, along with a server copy of this order without insisting upon prior production of a certified copy thereof and decide the dispute between the parties as expeditiously as possible, in accordance with law upon giving adequate opportunity of hearing

to all concerned as expeditiously as possible, preferably within four weeks from the date of the reference being made. The above direction, however, is conditional on the petitioner referring the matter afresh to the concerned District Magistrate, that is, the respondent no.2 herein, within a week from date.

It is made clear that this court has not gone into the merits of the allegations and counter-allegations made in the writ petition. It will be open to the District Magistrate to call for a report from an appropriate authority, including the B.L.&L.R.O, if so deemed necessary by the Magistrate, for the purpose of resolving the dispute between the parties.

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.)