

AD-08
Ct No.09
23.12.2022
TN

WPA No. 28185 of 2022

Altaf Hossain
Vs.
The Chairman, West Bengal State Electricity
Distribution Company Limited and others

Mr. Amitabha Ghosh

.... for the petitioner

Mr. Mihir Kundu

.... for the WBSEDCL

Learned counsel for the petitioner submits that due to resistance by the private respondent, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has not been able to give a new electricity connection to the petitioner.

Learned counsel for the WBSEDCL submits that a written objection has been given by the private respondent and hands over a photocopy of such written objection. It transpires from the same that the private respondent, who is the objector as well, has disputed that the petitioner has any share in the property over which the electricity connection is sought. It is further alleged that the writ petitioner is trying forcibly to take electric line over the property of the private respondent.

From the affidavit-of-service filed today, which is kept on record, it transpires that service has not yet been completed on the private respondent. In any event, since a dispute has been raised with regard to the right and entitlement of the petitioner to the take electricity connection at the property, the matter has to be decided by the concerned District Magistrate.

Accordingly, WPA No. 28185 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction. If so approached, the District Magistrate shall decide the issue in accordance with law, upon giving adequate opportunity of hearing to all concerned, within eight weeks from the date of such reference.

A copy of the written objection filed by learned counsel for the WBSEDCL today be kept on record.

It is made clear that the merits of the contentions of the private respondent-objector as well as the petitioner have not been gone into by this court, and it will be open to the District Magistrate to decide all issues independently and in accordance with law.

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.)