

AD-08
Ct No.09
19.01.2023
TN

WPA No. 63 of 2023

Dilip Jana and another
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Somnath Ghoshal,
Mr. Satyajit Senapati
.... for the petitioners

Mr. Sujit Sankar Koley
.... for the WBSEDCL

Mr. Satyajit Mandal,
Mr. Amar Nath Sen,
Mr. Malay Dhar,
Mr. Shouvik Naskar
.... for the respondent no.6

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

Learned counsel for the petitioners argues that
previously the petitioners had to come before this
court in a writ petition since the electricity connection
of the private respondent was given over the property
of the petitioners. As the locality, situated in the
Diamond Harbour region, is regularly affected by
storms and natural calamities, it is submitted that the
said placement of the electricity connection may
create safety hazards.

Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) controverts such contention and submits that in the previous round of litigation the petitioners had moved a contempt application for alleged violation of the order of this court. Ultimately, the WBSEDCL, it is submitted, gave the electricity connection of the private respondent over a common passage, upon taking due safety measures.

Learned counsel appearing for the private respondent also supports the contention of the WBSEDCL and contends that the WBSEDCL gave the connection not over the writ petitioners' property but over a common passage in the area. Learned counsel for the private respondent seeks to place reliance on a draft sketch map in support of his contention, a copy of which is handed over in court.

Since the specific dispute repeatedly arising between the petitioners and the private respondent is whether the private respondent's electricity connection is given over the property of the writ petitioners, it is beyond the domain of the writ court to ascertain the veracity of such allegation upon detailed assessment of material evidence.

Hence, since the District Magistrate concerned is the appropriate authority to decide on such issues

and it would only be appropriate if the matter is relegated for decision before the concerned District Magistrate.

Accordingly, WPA No.63 of 2023 is disposed of by granting liberty to the petitioners to approach respondent no.4 herein, the District Magistrate and Collector, South 24 Parganas at Alipore with the dispute as raised in the present writ petition with regard to the electricity connection of the private respondent having allegedly been taken over the petitioners' property. If so approached, the District Magistrate, that is, respondent no. 4 herein shall decide the issue as expeditiously as possible, upon giving opportunity of hearing to all the interested parties and in accordance with law, preferably within eight weeks from the date of such reference being made to the District Magistrate. The District Magistrate shall decide such issues without being influenced in any manner by any of the observations made herein.

Although the draft sketch map handed over by learned counsel for the private respondent is kept on record, it is made clear that the veracity or appropriateness of the same has not been entered into by this court in any manner.

Since no affidavits have been invited in this matter, it is deemed that the allegations made in the writ petition are denied by the respondents.

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.)