

AD-07
Ct No.09
19.01.2023
TN

WPA No. 57 of 2023

Anita Das and another
Vs.
The State of West Bengal and others

Mr. Debasis Kar,
Mr. Subhajit Chowdhury,
Mr. Arka Tilak Bhadra
.... for the petitioners

Ms. Anjusri Mukherjee
.... for the State

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
.... for the WBSEDCL

Mr. Pronojit Roy
.... for the respondent no.5

Learned counsel for the petitioners submits that the petitioners' electricity supply was disconnected by virtue of an order passed by the learned Executive Magistrate at Barrackpore under Section 144(2) of the Code of Criminal Procedure on the prayer of the private respondent.

It is further submitted that such order was passed without jurisdiction. Be that as it may, subsequently the petitioners sought a restoration of the electricity connection, which was given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

However, in presence of the WBSEDCL personnel, the private respondent again disconnected the said supply to the petitioners' property.

Learned counsel appearing for the WBSEDCL submits that initially the connection had been given to the petitioners from the meter room belonging to the portion of property which is occupied and owned by the private respondent.

When the private respondent subsequently demolished her own structure, apparently for the purpose of making a new construction, the electricity wires became precarious and could not be left hanging, thereby posing a serious safety risk to the residents and the neighbourhood.

It is further contended that as such, after the subsequent disconnection, the present reconnection is required to be done by installing proper safety measures for which an amount of about Rs.13,000/- is to be paid. It is also submitted by learned counsel for the WBSEDCL, on instruction, that the petitioners and the private respondent had previously agreed to such payment being made and to the arrangement of giving a fresh electricity connection to the petitioners at a different part of the premises.

Learned counsel for the private respondent disputes the allegation that the private respondent

has subsequently disconnected the electricity supply of the petitioners. It is contended that the private respondent's privacy was being disturbed since the electricity connection of the petitions was through the electricity meter room housed within the periphery of the private respondent's property.

Moreover, since the WBSEDCL itself suggests that there is extreme risk in the present condition of the dangling electricity wires, the same ought not to be restored at its previous position.

Upon hearing learned counsel for the parties, it is clear that at present the petitioners allege to be without electricity in view of the second disconnection of such electricity. Although this court, sitting in writ jurisdiction, is not in a position to ascertain on a factual assessment as to who was responsible for such disconnection, since the parties themselves agree to a solution to the issue by the petitioners paying Rs.13,000/- and odd which has been claimed by the WBSEDCL for providing safe and secured electricity supply to the petitioners, WPA No.57 of 2023 is disposed of by directing the petitioners to pay the requisite amount as per the claim of the WBSEDCL for the purpose of the WBSEDCL restoring the electricity connection of the petitioners but over a more secured and guarded connection.

The petitioners are at liberty to apply for such reconnection and upon compliance of all formalities by the petitioners, the WBSEDCL shall restore the electricity connection of the petitioners upon taking necessary safety measures, subject to compliance of such formalities.

It is expected that the WBSEDCL shall complete such installations of safety measures and give the new connection to the petitioners as expeditiously as possible, positively within three weeks from the date of compliance of all formalities by the petitioners.

It is made clear that it will be open to the forums, where litigation is pending between the parties or shall be filed by the parties *inter se*, to decide such disputes independently without being influenced in any manner by any of the observations made herein.

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.)