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16.01.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 132 of 2023

Gorachand Mondal @ Guliram
Vs.
The State of West Bengal & Ors.
With
W.P.A. No. 136 of 2023

Ashok Singh @ Palan Chandra Singh
Vs.
State of West Bengal & Ors.
With
W.P.A. No. 163 of 2023

Dhirendra Nath Singh
Vs.
State of West Bengal & Ors.

Ms. Shalini Singh
... for the petitioner in all the matters

Ms. Jhuma Chakraborty,
Mr. Aritra Ghosh
...for the State in WPA 132 of 2023

Mr. Arun Kumar Roy,
Mr. Sk. Musior Rahaman
...for the State in WPA 136 of 2023

Mr. Ziaul Islam,
Mr. Syed Nasirul Hussain
...for the State in WPA 163 of 2023

Mr. Sandip Mondal
...for the WBSEDCL in all the matters

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Mr. Ishan Bhattacharya
...for the private respondent in all the
matters

All the writ petitions, being identical inasmuch as
the subject matter is concerned, are taken up for
hearing together.

The allegation of the writ petitioners in the respective writ petitions is that despite the petitioners having applied for electricity connection and substantially complied with the formalities, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is not being able to give electricity connection to the petitioners due to obstruction and hindrance created by the private respondent and his men and agents.

Learned counsel appearing for the private respondent no. 4 submits that the petitioners in the matters are seeking to take electricity connection over the property of other neighbours, including the said respondent. In the event the electricity connection is not taken over the property of the private respondent, there is no objection on his part.

Learned counsel appearing for the WBSEDCL, in his usual fairness, makes it clear that the WBSEDCL has no objection in giving the electricity connection to the petitioners, subject to appropriate direction being given for adequate police protection in the event obstruction is raised.

Since a dispute regarding the ownership of the adjacent land, over which the electricity connection is to be taken, has been specifically raised by the private respondent no. 4, it would not be proper to brush aside his objection and direct the WBSEDCL to forcibly give

electricity connection to the petitioners over somebody else's land, if the allegation of the private respondent is correct and/or an alternative route(s) for giving connection to the petitioners is available.

Be that as it may, since a valid dispute had been raised by the private respondent, the WBSEDCL is required to refer the disputes to the concerned District Magistrate having territorial jurisdiction.

Accordingly, W.P.A. No. 132 of 2023, W.P.A. No. 136 of 2023 and W.P.A. No. 163 of 2023 are disposed of by directing the WBSEDCL to refer the disputes individually, specifying the name of the objectors who are resisting the electricity supply from being given to the petitioner in each case, so that the matter can be decided by the concerned District Magistrate expeditiously and in accordance with law, upon giving adequate opportunity of hearing to all concerned.

It is expected that the concerned District Magistrate shall decide all the disputes as expeditiously as possible, preferably within eight weeks from the reference being made by the WBSEDCL.

The WBSEDCL shall make such reference within a fortnight from date.

The police reports filed today by respective counsel for the State in each writ petition be kept on record.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)