

AD-15
Ct No.09
19.01.2023
TN

WPA No. 833 of 2023

Gitasree Roy
Vs.
The State of West Bengal and others

Mr. Rajib Kumar Basu	 for the petitioner
Mr. Swapan Kr. Pal	 for the State
Ms. Suvasree Ghose	 for the WBSEDCL

The grievance of the petitioner is that despite the petitioner having applied for shifting of an electricity pole situated close to the residential house of the petitioner and the petitioner having deposited the amount quoted for such purpose, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is not being able to shift the said pole due to stiff resistance by the private respondent nos.6 to 13.

Learned counsel for the WBSEDCL submits that the said respondents have filed a written objection to the petitioner's request for shifting the electricity pole-in-question. A copy of the said objection is handed over in court today and is kept on record.

It is evident from the said report, written in Bengali vernacular, that the primary plinth of the objection of the private respondents is that the shifting should not be done at the behest of the petitioner, who is a moneyed person. It also transpires from the nature of the objection that the same is absolutely vague. Although it has been stated in the said objection that the private respondents have to suffer natural calamities, no specific reason as to why the shifting of the pole in a miniscule scale will affect the safety and/or security of the private respondents has been specified. Nothing whatsoever has been stated in the said objection with regard to any inconvenience which might be suffered by the private respondents due to such shifting.

As such, on the basis of the said objection, there is no premise to impede the shifting of the pole for which the petitioner has already complied with the formalities.

Despite service, it may be noted, none appears for the private respondents at the time of hearing of the matter. The Affidavit-of-service filed in court today be kept on record.

Since the private respondents choose not to appear, the matter is being decided *ex parte* in their absence.

Accordingly, WPA No. 833 of 2023 is disposed of in the light of the above observations by directing the WBSEDCL to carry out the necessary shifting work with regard to the electricity pole, which is the subject-matter of the dispute in the present writ petition, as expeditiously as possible, positively within four weeks from date.

In the event the WBSEDCL personnel face any obstruction from the private respondents and/or their men and agents in doing so, it will be open to the said personnel to approach respondent no.5, the Officer-in-Charge, Chanditala Police Station, who will act upon the server copy of this order and grant such assistance to the WBSEDCL personnel at the cost of the petitioner.

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.)