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20.02.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 1280 of 2023

Sk. Sekender

-vs.-

The State of West Bengal & Ors.

Mr. Arun Shaw

...for the petitioner

Mr. Jahar Datta,

Mr. Bipin Ghosh

...for the State

Mr. Asif Dewan

...for the WBSEDCL

None appears for the private respondents despite service.

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

Learned counsel appearing for the petitioner contends that the petitioner is a tenant in respect of the property and at the behest of the private respondents, who are not owners of the property, the WBSEDCL (West Bengal State Electricity Distribution Company Limited) is not being able to give electricity connection to the petitioner.

Learned counsel appearing for the WBSEDCL, on instruction, submits that the petitioner has not produced any rent bill in support of his tenancy of the premises, for which the electricity connection could not be given to the petitioner.

Heard learned counsel for the parties.

It transpires from the annexures at page 28 of the writ petition that, vide order dated October 08, 2020 passed by the Civil Judge (Junior Division), Second Court at Burdwan in Title Suit No. 317 of 2020, an injunction was passed on the prayer of the plaintiff/petitioner in connection with the said suit restraining the defendants/present private respondents from evicting the plaintiff/petitioner and his family from the suit property (which is the present disputed property) without due process of law.

In view of such injunction order having been passed, at least a competent civil court has *prima facie* observed that the petitioner is in occupation of the premises. Irrespective of whether the petitioner is actually a tenant in respect of the premises, it is well-settled that mere settled occupation of a person in premises entitles him to get an electricity connection thereat. Hence, insistence of the WBSEDCL upon production of rent bills is misplaced.

In view of the above observations, in particular, the findings of the civil court till date, there is no reason why the petitioner ought not to be provided with a separate electricity connection in his own name by the WBSEDCL.

Accordingly, W.P.A. No. 1280 of 2023 is allowed, thereby directing the WBSEDCL to give a new electricity connection to the petitioner at the premises-in-question as expeditiously as possible, preferably

within a fortnight from date and/or from the compliance of all formalities by the petitioner, whichever is later.

In the event the WBSEDCL personnel face any obstruction from the end of the private respondents in doing so, it will be open to the said personnel to approach the local police station for adequate police assistance.

If so approached, the local police station shall give such assistance to the WBSEDCL personnel at the cost of the petitioner to enable the WBSEDCL personnel to give electricity connection to 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)