

AD-07
Ct No.09
16.02.2023
TN

WPA No. 2279 of 2023

Ashoke Sarkar
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya

.... for the respondent no.10

Learned counsel for the petitioner submits that an electricity connection was given to the present respondent no. 10 behind the back of the petitioner, in contravention of a specific direction of a coordinate Bench vide Order dated July 15, 2021 passed in WPA 11239 of 2021 to the effect that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) was to take an inspection to see whether it was feasible to give such connection to the respondent no.10, which was never done by the WBSEDCL. Despite several intimations by the petitioner, it is alleged, the WBSEDCL did not hold such inspection

but straightaway gave an electricity connection to the private respondent no.10.

That apart, it is argued that the petitioner in the present writ petition is already enjoying an injunction order in a civil suit against the private respondent nos.5 to 9. The private respondent no.10 is the wife of private respondent no. 5. It is contended that, as such, the latter is also bound by the said injunction order.

Learned counsel appearing for the WBSEDCL submits that the order of the coordinate Bench was duly complied with and upon inspection, the connection was ultimately given to the respondent no.10.

Learned counsel appearing for the respondent no.10 submits that initially the WBSEDCL had found that it was not possible to give electricity connection to the respondent no.10. However, subsequently such connection has been given only in the first part of this year.

Be that as it may, it transpires from the records and the submissions of the parties that the present dispute raised by the writ petitioner is that, despite there being an alternative route for giving the electricity connection to the private respondent no.10,

no such option was explored by the WBSEDCL at all before giving the connection.

Such dispute cannot be decided by the writ court and falls within the domain of the concerned District Magistrate. Inasmuch as the alleged contravention of an injunction order is concerned, an information slip annexed to the present writ petition indicates that an order of *status quo* as regards possession, nature and character of the suit property was passed. *Ipso facto*, mere giving of an electricity connection cannot operate as a violation of such *status quo* order.

Inasmuch as the non-compliance of the order of the coordinate Bench by the WBSEDCL is concerned, since the present petitioner was a party-respondent in the present writ petition and could not appear at the juncture when the order of the coordinate Bench was passed, it was well within the legal rights of the private respondent no.10 to approach the said court for necessary relief, including contempt or implementation of the said order, in the event the order was flouted.

That apart, the present grievance of the petitioner does not have any connection with such alleged non-compliance by the WBSEDCL of the order of the coordinate Bench. Since the limited grievance of

the petitioner in the present writ petition is that despite there being an alternative passage and without any prior notice to the petitioner, the electricity connection was given to the private respondent no.10, the District Magistrate concerned shall decide the issue if so approached.

Accordingly, WPA No. 2279 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate with the grievance as indicated in the above paragraph. If so approached, the District Magistrate shall decide the issue upon grant of notice to all concerned as expeditiously as possible in accordance with law. It is expected that the disposal shall be done by the concerned District Magistrate within eight weeks from the date of being approached by 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.)