

AD-08
Ct No.09
16.02.2023
TN

WPA No. 2405 of 2023

Smt. Chhabi Basu
Vs.

The General Manager (Commercial), Calcutta Electric
Supply Corporation Ltd. and others

Mr. Subhajit Chowdhury,
Mr. Debasis Kar

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

Learned counsel for the petitioner contends that the petitioner is one of the co-owners of the property-in-question and is an octogenarian lady. It is submitted that despite the electricity meter of the private respondent/tenant being situated in the premises, neither the petitioner nor the Calcutta Electric Supply Corporation Ltd. (CESC Limited) is having any access to the same. As such, the present writ petition has been filed by the petitioner/owner seeking for a writ of mandamus commanding the respondents to inspect the meter room on a regular basis and, if prevented, to direct them to take necessary steps in accordance with law.

Learned counsel for the CESC Limited files a written instruction as per previous direction which

clearly indicates the names of the consumers of the CESC Limited at the premises. It is clear from the said instruction that the present writ petitioner is not a registered consumer at the premises under the CESC Limited.

In fact, it is evident that the petitioner/landlady is seeking to interfere with the possession of the private respondent/tenant by way of filing of the writ petition. Since the petitioner is not a consumer of electricity at the premises, the petitioner, despite being the owner, has no entitlement, as a matter of right to intrude into the meter room unnecessarily or at any point of time.

In the event the CESC Limited has an issue regarding not getting access to the said meter room, it is always open to the CESC Limited to take appropriate measures in that regard as provided in law. However, it is not the business of the petitioner/landlady to espouse the alleged cause of the CESC Limited. Since it has been submitted that an eviction suit is already pending at the behest of the petitioner, I am not inclined to grant any relief as sought in the present writ petition by the petitioner, irrespective of her advanced years.

Age itself cannot be a determinant of the legality of an action sought to be done unlawfully, that too, with the blessings of the court.

As such, WPA No. 2405 of 2023 is dismissed on contest without any order as to costs.

However, the petitioner shall be at liberty to approach the civil court which is taking up the eviction suit at the behest of the petitioner for appropriate relief as available in law to the petitioner.

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.)