

20th February,
2023
(AK)
05

W.P.A 2818 of 2023

Srihari Charan Chanda
Vs.
WEST Bengal State Electricity Distribution Company
Limited (WBSEDCL) and others

Mr. Udayan Roy
Mr. Sukanta Mondal
Mr. Debabrata Roy

...for the petitioner.

Dr. Madhusudan Saha Ray

...for the WBSEDCL.

Learned counsel for the petitioner submits that, taking advantage of the fact that the son of the private respondent no.8 is a 'civic police', the private respondent sought to manipulate the authorities and has taken a high tension electricity connection to his premises over the premises of the present petitioner.

Not only that, such connection has been taken via a bamboo pole, which is extremely precarious.

That apart, it is contended that the wires are hanging very close to the entrance of the house of the present petitioner, thereby putting the petitioner and his family and the local people at the risk of electricity and fire hazard.

Learned counsel appearing for the WBSEDCL submits that the representation filed by the petitioner in such context and annexed to the present writ petition be

directed to be decided by the Distribution Licensee upon giving an opportunity of hearing to all concerned.

Despite service, none appears for the private respondent.

As such, the affidavit-of-service filed in court today be kept on record and the matter is heard in the absence of the private respondent.

There are two components to the present dispute. First, the petitioner contends that the private respondent has acted illegally in encroaching upon the petitioner's property and taking high tension electricity connection.

Secondly, it is also alleged that such high tension connection, which goes over a bamboo pole, is extremely precarious and poses a serious threat of life and limb to the petitioner and his family.

Inasmuch as the first component is concerned, the WBSEDCL is in any event at liberty to take due steps in accordance with law upon an inspection of the property as regards whether there was any violation at any point of time by the private respondent in taking such connection over its present route.

In the event any illegality is discovered upon such inspection, the WBSEDCL is required to take immediate steps in accordance with law pursuant thereto.

It is expected that such inspection shall be held by the WBSEDCL on an urgent basis, keeping in view the seriousness of the allegation of the petitioner, preferably

within a week from date and immediate steps shall be taken thereafter on the same.

Inasmuch as the dispute regarding encroachment of the petitioner's property is concerned, the matter shall be decided upon by giving an opportunity of hearing to both the petitioner and the private respondent by the WBSEDCL authorities on the basis of the representation annexed at page-34 (annexure-P4) of the writ petition, preferably within three weeks from date, and necessary steps in that regard shall immediately thereafter be taken by the WBSEDCL.

It is made clear that the WBSEDCL, apart from taking immediate steps in the event of discovery of any illegal action having been taken by the private respondent under the Electricity Act, 2003, shall also ensure urgently the safety of the local residents, in particular the inmates of the petitioner's house, inasmuch as to ensure that the due safety measures as stipulated in law and Regulations are complied with with regard to the said connection which has been taken over the petitioner's land.

Such steps shall also be taken within a week from date.

WPA 2818 of 2023 is accordingly disposed of in the light of the above directions.

It is, however, made clear that the civil rights of the petitioner and the private respondent have not been dwelt upon while making the above observations.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)