

D/L. 5.
April 19, 2023
MNS

W.P.A. No. 4812 of 2023

Bablu Pal
-vs.-
The State of West Bengal
& Ors.

Mr. Sounak Bhattacharya
Mr. Abhiroop Halder
Mr. Anirban Saha
...for the petitioner.

Mr. Sumit Ray
...for the WBSEDCL.

Mr. Kamalendu Ghose
Mr. Raja Ghosh
...for the State.

Ms. Dipanwita Ganguly
...for the respondent no. 9.

Learned counsel for the petitioner contends that in the 'site plan' produced by the added respondent, there is no mention of LR Dag No. 1792, of which the petitioner is the owner and at which the electricity connection-in-question has been sought.

Learned counsel appearing for the added respondent no. 9, however, contends that the electricity connection sought to be given to the petitioner is intended to be taken over the six feet wide private passage of the added respondent, as indicated in the site plan. It is submitted that if such connection is taken, it

will adversely affect the safety and security of the added respondent.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) points out that the numbers shown in the site plan are RS Dag Numbers, whereas the corresponding LR Dag Number is 1792, as indicated in the caption of the site plan.

Hence, it may very well be possible that the petitioner's plot is adjacent to the plot of the added respondent.

However, it is further submitted by the WBSEDCL, on instruction, that the passage over which the connection is being sought to be taken for the purpose of giving supply to the petitioner is the only feasible alternative for giving such connection, keeping in view the existing electricity poles and other arrangements of the licensee.

The primary concern, as it appears from the submissions of learned counsel for the added respondent, is that there would be drawal of high-tension overhead line, which will adversely affect the user of the private passage of the added respondent.

However, it has been fairly suggested by learned counsel for the WBSEDCL that underground connection can be given below the said passage. Moreover, both the WBSEDCL and the petitioner contend that the

connection will not be a high-tension line, but is merely a domestic connection to be given to the petitioner.

Keeping in view the lack of any other alternative and the surrounding circumstances as indicated above, the petitioner's right to get an electricity connection in his name at his property cannot be precluded, merely because the line has to be laid under the property of someone else. If the petitioner's property is otherwise land-bound, there is no other option but to supply electricity through the passage of some neighbour or the other.

In the present case, however, the apprehension of the added respondent can be alleviated if the WBSEDCL lays underground line to give connection to the petitioner beneath the claimed private passage of the added respondent.

Hence, WPA No. 4812 of 2023 is disposed of by directing the WBSEDCL to give a new electricity connection to the petitioner, if necessary, underneath the passage claimed to belong exclusively to the added respondent. Such connection shall be given subject to compliance of all formalities by the petitioner in that regard, preferably within four weeks from the date of such compliance.

It is, however, made clear that the WBSEDCL shall make all endeavour to complete the work of digging the private passage at the most within seven days.

That apart, prior notice of the work shall be given by the WBSEDCL to the added respondent before commencing the work.

During the work, the WBSEDCL shall take care that at least a strip of passage is left open for the added respondent to use as a pathway for ingress and egress over the added respondent's property.

In the event any obstruction is offered by the private respondents/added respondents and/or their men and agents in the WBSEDCL personnel giving such connection, it will be open to the WBSEDCL personnel to approach the respondent no. 6, that is, the Officer-in-Charge, Domjur Police Station, for adequate police assistance. If so approached, the Officer-in-Charge shall grant such assistance at the cost of the petitioner by acting on a server copy of this order, without insisting upon prior production of a certified copy thereof.

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 the requisite formalities.

(Sabyasachi Bhattacharyya, J.)