

29<sup>th</sup> March,  
2022  
(AK)  
05

**W.P.A 6525 of 2023**

Sri Kartick Pal and another  
Vs.  
The West Bengal State Electricity Distribution Company  
Ltd. and others

Mr. Sanjib Seth  
...for the petitioners.

Mr. Sumit Ray  
...for the WBSEDCL.

Mr. Achin Jana  
Mr. Suman Chakraborty  
Mr. Prasenjit Ghosh  
Ms. Gargi Dhang  
...for the private respondent.

Learned counsel for the petitioners contends that the petitioners are in occupation of a particular premises, over which electricity connection has been given to the private respondent despite the specific objection of the petitioners.

The petitioners seek disconnection of the said supply to the private respondent as a consequence.

Learned counsel appearing for the private respondent submits that previously there were two existing electric poles on the property of the petitioners, through which electricity connection has been given to others in the area.

For the purpose of giving connection to the private respondent, however, another electricity pole had to be

installed on the premises of the private respondent herself.

As such, at no point of time was there any encroachment of the petitioners' property by the private respondent or the WBSEDCL for giving electricity supply to the private respondent.

Learned counsel for the WBSEDCL places reliance on a communication by the WBSEDCL to the petitioner no.1 dated January 20, 2023 where the WBSEDCL intimated the petitioner no.1, inter alia, that the WBSEDCL is not a party to the suit instituted by the petitioners.

That apart, it was also pointed out that the newly installed post/PCC pole from which the connection would be effected was within Dag no.963 (belonging to the private respondent) and not under the purview of the disputed portion.

Although there is a pending suit between the petitioners and the private respondent with regard to the property, in the said suit, an injunction order has been passed merely directing the parties not to change the nature and character of the property, even as per the submission of the petitioners.

The giving of an electricity connection, that too over pre-existing poles, does not operate as an alteration of the nature and character of any property.

More so, in the present case, the two electricity poles installed on the property of the petitioners were already in existence when the new connection was sought by the private respondent.

The only additional electricity post required for giving such connection was installed on the property of the private respondent herself, and, as such, could not have caused any inconvenience for the petitioners.

Although the petitioners dispute the location of the two poles, the same was for the petitioners to canvass before the WBSEDCL and/or the concerned District Magistrate.

Having not done so, the present writ petition for disconnection of the private respondent's line is not maintainable.

Accordingly, in view of the above observations, WPA 6525 of 2023 is dismissed on contest without any 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.)**