

AD-13
Ct No.09
17.04.2023
TN

WPA No. 8163 of 2023

Nityananda Das
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Md. Abdur Rakib,
Mr. Jisan Iqbal Hossain
.... for the petitioner

Mr. Sumit Ray
.... for the WBSEDCL

Ms. Sima Adhikari,
Ms. Kakali Naskar
.... for the State

Learned counsel for the petitioner argues that an electricity pole has been shifted, for the purpose of giving connection to a third party, to a location within the boundary of the petitioner, thereby causing substantial inconvenience to the petitioner. The petitioner seeks a shifting of the said pole outside the boundary of the petitioner's premises, for which representation was given to the West Bengal State Electricity Distribution Company Limited (WBSEDCL), without any reply on the part of the latter.

A police report is filed by learned counsel for the State, which is kept on record, which indicates that such shifting has taken place. However, in the same

breath, the police also hint that the dispute arisen between the parties is civil in nature.

Learned counsel for the WBSEDCL, on instruction, contends that no shifting has been done at all to the petitioner's premises, for the purpose of giving electricity connection to any third party. Rather, the petitioner is objecting to connection being given to the third party from a pre-existing electricity pole.

Since the factum of shifting itself is disputed by the WBSEDCL, the issue cannot be determined within the limited perspective of a writ petition, since the writ court's hands are bound as it cannot enter into the assessment of detailed evidence. Inasmuch as the police report is concerned, the same cannot be accepted as sacrosanct with regard to the alleged shifting of the pole, whatever may be the worth of the said report otherwise, since the police is not the appropriate judicial authority to so decide.

Accordingly, WPA No. 8163 of 2023 is disposed of by granting liberty to the petitioner to move the District Magistrate, Murshidabad (respondent no.3 herein) with the dispute as raised in the present writ petition. If so approached, the District Magistrate shall act on a server copy of this order and decide the issue, upon giving adequate opportunity of hearing to

all concerned and in accordance with law as expeditiously as possible, positively within ten weeks from the reference being made by the petitioner to the District Magistrate.

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.)