

2nd May,
2023
(AK)
07

W.P.A 9641 of 2023

Smt. Kanika Ghosh and others
Vs.
The State of West Bengal and others

Mr. Falguni Bandyopadhyay
Mr. Manas Ghosh
Ms. Riya Ballav

...for the petitioners.

Mr. Rajiv Lall

...for the CESC Limited.

Ms. Sweta Mukherjee
Mr. Ratul Das

...for the State.

The petitioners claim to be the owners of the property in dispute, where there is an existing connection in the name of the erstwhile tenant, since deceased.

It is submitted that the private respondent nos.5 and 6 in the present writ petition, despite being the heirs of the said erstwhile tenant, are not residing at the premises.

It is further contended that the still-subsisting electricity connection, standing at the property in the name of the deceased tenant, be disconnected.

Despite service, none appears for the private respondents, although the CESC Limited is represented through counsel.

Learned counsel appearing for the CESC Limited submits that the petitioners, who are not the consumers with regard to the electricity meter-in-question, have no *locus standi* to seek a disconnection of the same.

That apart, it is rightly pointed out by learned counsel for the CESC Limited that the petitioners themselves have averred in the writ petition that they have filed an eviction suit against the private respondents, which is now pending.

Upon a perusal of the pleadings in the writ petition, it is evident that the present writ petitioners have a subsisting eviction suit against the private respondents, which palpably belies the averment that the private respondents are not in possession of the disputed property.

Moreover, since the electricity connection-in-question is live, as submitted by learned counsel for the CESC Limited, and is being regularly paid for, there has arisen no occasion to disconnect the same in such an unsolicited manner.

If such a representation/application is made by the petitioners, the CESC Limited shall look into the same and ascertain as to whether the continuance of such electricity supply is valid in law.

In the event the CESC Limited is of the opinion that the said electricity connection has to be regularized, the CESC Limited shall take due steps in accordance with law

upon intimating the persons currently enjoying the said electricity connection.

WPA 9641 of 2023 is, accordingly, disposed of in the light of 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.)