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28.04.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 9996 of 2023

Kajal Manna
-vs.-
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Neha Singh
...for the petitioner

Ms. Soma Roy Choudhuri
...for the CESC Limited

Mr. Soujanya Bandyopadhyay
...for the respondent no. 4

Learned counsel for the petitioner submits that due to objection raised by the private respondent no. 4, who is a co-owner of the property, the CESC Limited could not hold an inspection pursuant to the petitioner's application for new electricity connection.

Learned counsel appearing for the CESC Limited corroborates such contention.

It is submitted by learned counsel for the private respondent no. 4 that the petitioner is seeking to take an electricity meter at the portion of the premises occupied by the private respondent no. 4.

However, it is well-settled that until and unless the property is demarcated or partitioned by metes and bounds, the property remains joint between the co-owners. Hence, since the petitioner is also a co-owner of the premises, there cannot be any impediment to the petitioner having an independent electricity connection, subject to feasibility of the same.

Accordingly, W.P.A. No. 9996 of 2023 is allowed, thereby directing the CESC Limited to hold an inspection within two weeks from date, upon prior notice to the petitioner and the private respondent no. 4, for the purpose of ascertaining feasibility of giving a new connection to the petitioner.

In the event it is found feasible, the CESC Limited shall raise a quotation thereafter at the earliest. Upon due formalities being complied with by the petitioner, the CESC Limited shall give such connection to the petitioner within a week after the date of compliance of all formalities.

In the event the CESC Limited is of the opinion that the connection has to be given from the existing meter board position, the CESC Limited shall do so.

If any obstruction is raised by the respondent no. 4 and/or his men and agents in doing so, the CESC Limited will be at liberty to approach the

respondent no. 3, that is, the Officer-in-Charge, Batra Police Station, to give adequate police assistance at the cost of the petitioner, to enable the CESC personnel to hold an inspection and, subsequently, to give a connection to the petitioner.

If occasions so arises, the respondent no. 3 shall act on the server copy of this order for the purpose of compliance of this order.

If any padlock is put up by the respondent no. 4 to prevent the CESC personnel from having access to the existing meter board position at the premises, it will be open to the Officer-in-Charge of the Batra Police Station to remove such obstruction for the limited purpose of giving access to the CESC personnel.

It is made clear that the electricity connection, if given to the petitioner, shall not create any special right or equity in favour of the petitioner, which the petitioner does not otherwise have in law.

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 all necessary formalities.

(Sabyasachi Bhattacharyya, J.)