

D/L. 6.
May 4, 2023.
MNS.

WPA No. 10430 of 2023

Nandalal Mukherjee and another
Vs.
West Bengal State Electricity
Distribution Company Limited and others

Mr. Arif Ali,
Mr. Sarban Bhattacharjee

... for the petitioners.

Ms. Susmita Chatterjee

...for the WBSEDCL.

Mr. Nilanjan Pal

...for the private respondent nos. 3 to 8.

Affidavit-of-service filed in Court today be
kept on record.

Learned counsel for the petitioners
submits that the petitioners have been applying
for electricity connection since long back, but
could not get the same due to resistance by the
private respondent nos. 3 to 8. It is further
submitted that there is a four feet wide passage
over which the connection has been sought to be
given.

However, in view of repeated orders being
passed at the behest of the private respondents

under Section 144 of the Code of Criminal Procedure, the connection could not be given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Such stand is corroborated by the WBSEDCL.

Learned counsel appearing for the private respondent nos. 3 to 8 submits that the private respondents do not otherwise have any objection to the petitioners getting electricity connection. However, a suit has been filed and is now pending at the behest of the private respondents, where an order of *status quo* has been passed.

It is further submitted that in the said suit, the subject matter of contention is that the petitioners have encroached upon a portion of the private respondents' property.

Be that as it may, since the basic right of a person to get an amenity such as electricity cannot be curtailed if the person is in possession of a particular property, irrespective of the legality or lawfulness of such possession, there cannot be any impediment at the present juncture for the petitioners to get an electricity connection at the disputed property.

Whatever might be the outcome of the civil suit between the parties, at present there is no restraint order injuncting the petitioners herein from taking any electricity connection. For that matter, even the *status quo* order passed by the civil court, a copy of which has been annexed to the present writ petition, does not indicate in clear terms as to who is in possession of the property. However, in view of the allegation of encroachment, it is evident that the possession of the petitioners is not disputed as such, although the lawfulness of the same has been questioned.

In such view of the matter, WPA No. 10430 of 2023 is allowed, thereby directing the WBSEDCL to give electricity connection as per the petitioners' application, subject to compliance of due formalities by the petitioners, preferably within a fortnight from the date of compliance of the formalities.

In the event any obstruction is raised by the private respondents and/or their men and agents, it will be open to the WBSEDCL personnel to approach the local police station for adequate police assistance. If so approached, the Officer-in-Charge/Inspector-in-Charge, as applicable, of the concerned police station shall

grant such assistance at the cost of the petitioners for the purpose of enabling the WBSEDCL personnel to give such connection to the petitioners by acting on a server copy of this order without insisting upon prior production of a certified copy thereof.

It is made clear that such electricity connection, as and when given, shall not create any special right or equity in favour of the petitioners, which the petitioners otherwise do not have.

The electricity connection, however, shall abide by the outcome of the pending civil suit between the private parties.

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.)