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10.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 10592 of 2023

Savitri Devi
-vs.-
CESC Limited & Ors.

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

Mr. Debanjan Mukherjee
...for the CESC Limited

The petitioner has raised a limited grievance that despite the petitioner's specific objection, the CESC Limited has given an electricity connection to the private respondent no. 4 over the property of the petitioner.

Learned counsel appearing for the petitioner places reliance on the annexures to the writ petition to indicate that the petitioner had specifically communicated such objection, which was acknowledged by the CESC Limited, when the CESC insisted upon production of necessary documents in respect of the petitioner's objection. It is submitted that, subsequently, the deed of sale and blue-print of the property of the petitioner was handed over to the CESC Limited. Yet, the connection has ultimately been given over the property of the petitioner.

Learned counsel appearing for the CESC Limited, on instruction, objects to the allegation made in the writ petition.

Despite service, none appears for the private respondent.

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

It transpires from the arguments of the parties that the dispute entirely revolves around the issue as to whether the electricity connection to the private respondent was given over the property of the petitioner and, if so, whether there is any possibility of shifting of the same to some other route.

Since the concerned District Magistrate is the competent authority to decide such disputes, W.P.A. No. 10592 of 2023 is disposed of by granting liberty to the petitioner to refer the present dispute before the District Magistrate concerned.

If such reference is made, the District Magistrate shall decide the issue, upon giving adequate opportunity of hearing to all concerned, as expeditiously as possible, preferably within eight weeks from the date of such reference being made.

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.)