

D/L. 1.
June 20, 2023.
MNS.

(To be mentioned)

WPA No. 12639 of 2023

Rahul Adhikari
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Kumaresh Dalal

... for the petitioner.

Mr. Supriyo Chattopadhyay

...for the WBSEDCL.

None appears for the private respondent no. 6 at the time of call, although the petitioner and Distribution Licensee are represented through counsel.

A copy of a purported partition deed is handed over by learned counsel for the petitioner, which was apparently signed by the parties.

It is seen from the said deed that in clause no. 5 thereof, it was an agreed position that both sides would have electricity line, water pipeline etc. over a 10 ft. passage at the property-in-dispute.

It is submitted by learned counsel for the petitioner that in terms of the said agreement, to which the respondent no. 6 was also a party, the

petitioner is entitled to have electricity connection over the passage. Although the copy of the partition deed handed over in court shows that the same was embossed on Rs.10/- worth of Non Judicial stamp paper and is not a registered one, in view of the signatures of the parties being apparently depicted thereon, the same can be proceeded with on the *prima facie* footing of the document being an agreement between the parties.

Be that as it may, even irrespective of the said agreement, the petitioner has a right to get an electricity connection as an occupant.

Learned counsel for the Distribution Licensee submits that the Licensee does not have any objection otherwise if the petitioner restricts his prayer to have an electricity line over the said 10 ft. passage, regarding which an estimate has already been raised by the Distribution Licensee.

On such premise, WPA No. 12639 of 2023 is allowed, thereby directing the Distribution Licensee to give an electricity connection to the petitioner over the 10 ft. passage mentioned in Clause 5 of the third page of the purported partition deed, a copy of which be kept on record.

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

The said connection shall be given by the Distribution Licensee as expeditiously as possible, positively within one week from the date of compliance of all formalities by the petitioner and/or this date, whichever is later.

In the event any obstruction is raised by the private respondent no. 6 and/or his men and agents in the Distribution Licensee doing so, it will be open to the Distribution Licensee personnel to approach the Officer-in-Charge, Domjur Police Station, the respondent no. 5, for adequate police assistance. If so approached, the Officer-in-Charge of the said police station shall grant such assistance in that regard at the cost of the petitioner.

If any padlock or hindrance is put up to resist the Distribution Licensee personnel in doing so, it will be open to the police authorities to remove such padlock or hindrance for the limited purpose of giving electricity connection to the petitioner.

All parties are to act on the server copy of this order without insisting upon prior production of a certified copy thereof.

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.)