

AD-16
Ct No.09
12.12.2023
TN

WPA No. 13402 of 2023

Sri Sujoy Das and another
Vs.
CESC Limited and others

Mr. Shamim Ul Bari

.... for the petitioners

Mr. Debanjan Mukherji

.... for the CESC Limited

Mr. Abhishek Banerjee

.... for the State

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh

....for the respondent no.5

- 1.** Learned counsel for the petitioners contends that despite previous orders of different forums, none of the forums considered the aspect that there are at least three alternative locations from which electricity connection can be given to the private respondent without disturbing the petitioners' possession in respect of premises no. 72A Raja Rammohan Roy Road.
- 2.** It transpires from the materials that there have been previous rounds of litigation. Initially, the private respondent had sought for electricity connection by way of a writ petition which was turned down by this court on the premise that

the private respondent's purchased property at premises no. 72, Raja Rammohan Roy Road is a land-locked property and no electricity service connection was feasible to be given thereto.

3. The matter went up to the Division Bench which observed that although service connection could not be given to the private respondent, the CESC Limited was to consider as to whether metered connection could be given to the private respondent. Upon a subsequent exercise, the CESC Limited held inspection and in a report, disclosed that there were two feasible options, one was to give an electricity connection from the existing meter board position and the second was that the existing meter board position which is located at premises no. 72A, to be shifted to a more convenient place nearer to premises no. 72.
4. The petitioners objected on the ground that the existing meter board position is located in the bed room of the petitioners and, as such, the privacy of the petitioners would be hampered in the event connection was given therefrom. After several rounds of litigation, the matter was ultimately referred by this court to the concerned District Magistrate, that is, the District Magistrate, South 24 Parganas who, in tune with

the orders passed by this court and the opinion of the CESC Limited, directed electricity metered connection to be given to the private respondent by installing a new loop meter in the position earmarked by the CESC Limited for shifting in the name of the present private respondent.

- 5.** The petitioners challenge the said order of the District Magistrate.
- 6.** Learned counsel for the petitioners hands over a copy of a sketch map and submits that there are several other alternative locations for giving electricity connection to the private respondent. Learned counsel for the petitioners argues that such options were overlooked by all the previous forums.
- 7.** Learned counsel for the private respondent controverts such submission and contends that despite having deposited the quotation amount and complied with formalities, the electricity connection is not being given to the private respondent due to the resistance by the petitioners.
- 8.** Learned counsel for the CESC Limited also contends that the CESC Limited, on inspection, had submitted its previous report where it was clearly disclosed that the only options were as

disclosed in the said report and there was no other alternative location to give electricity connection.

- 9.** Upon a perusal of the materials annexed to the writ petition, it is evident that the matter has suffered two previous rounds of litigation before this court and ultimately the matter was relegated to the District Magistrate on the basis of a report filed by the CESC Limited disclosing clear alternatives for giving electricity connection to the private respondent.
- 10.** Upon due hearing in accordance with law, the District Magistrate by the impugned order has come to the conclusion that the only feasible way to give connection to the private respondent is to give a loop metered connection in the earmarked position for shifting in the name of the private respondent.
- 11.** As such, since there have been several previous fact-finding exercises by different forums, there is no scope for the writ court to enter into the factual enquiry afresh by looking into alternative proposals given at this belated juncture by the petitioners. There has to be finality to every proceeding. Since the parties have explored all possible forums up to the District Magistrate

after several rounds of litigation before this court, it would be unreasonable to reopen the issue *de novo* without any perversity having been made out palpably from the face of the impugned order of the District Magistrate.

- 12.** As such, there is no scope of interference in the present writ petition.
- 13.** Accordingly, WPA No. 13402 of 2023 is dismissed on contest.
- 14.** The CESC Limited shall give the electricity connection to the private respondent in terms of the direction of the District Magistrate in the impugned order at the earliest, if necessary with police help at the cost of the private respondent.
- 15.** 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.)