

19.09.2023

Sl no. 28

Ct no. 2

P.M.

WPA 14002 OF 2023

Smt. Rikta Naskar & Anr.

- Vs -

**West Bengal State Electricity
Distribution Company Limited & Ors.**

Mr. Apurba Kumar Ghosh,

Mr. Avinav Mukherjee,

Mr. Rudranil Ghosh

... for the petitioners

Mr. Sujit Sankar Koley

... for WBSEDCL

Mr. Manas Kumar Das,

Mr. Aritra Kumar Thakdar

... for private respondent No. 5

Mr. Shashwat Nayak,

Mr. Amit Muhuri,

Mr. Dibyendu Ghosh

... for respondent No. 4

Heard learned advocates appearing for the parties.

Petitioners have filed this writ petition alleging that petitioners' complaint before the electricity authority for disconnection of the electricity supplied to the private respondents over the land claiming to be belonged to the petitioners has not been considered.

Learned advocate appearing for the private respondent submits that the civil suit has been filed by the petitioners against the private respondents where the order of status quo has been passed and it is the case of the private respondents that they are in possession of the land in question. Private respondents also submit that not only they are in

possession they are the owner of the land in question by virtue of title deed. This type of disputes which are highly disputed with regard to the possession and title of the parties cannot be gone into in exercise of constitutional writ jurisdiction of this Court as well as it is difficult to adjudicate the title and possession over the land in question which is in dispute between the two private parties cannot be decided by the electricity authority also and the appropriate forum for adjudicating this issue is the Civil Court where it has to be decided first.

Learned advocate appearing for the petitioners submit that petitioners have got a permanent injunction in favour of the petitioners by the Civil Court and if that is the case then petitioners should approach the Civil Court for violation of its order. Only when the dispute is resolved by the Civil Court with regard to title and possession of the parties before an appropriate forum no relief asked for by the petitioners in this writ petition can be granted.

In view of the discussion made above this writ petition being WPA 14002 of 2023 is dismissed.

However, dismissal of this writ petition will not be a bar on the part of the petitioners to seek remedy against the grievance before the appropriate forum.

(Md. Nizamuddin, J.)