

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14455 of 2023

Buli Singha Roy
Vs.
Calcutta Electric Supply
Corporation Limited & Ors.

Mr. Shyamal Kumar Das,
Ms. Krishna Yadav
...for the petitioner

Mr. Partha Sarathi Basu
...for the CESC Limited

Mr. Saikat Chatterjee,
Mr. Amritalal Chatterjee
...for the State-respondents

Mr. Jayanta Kumar Mondal,
Mr. Sayantan Rakshit
...for the private respondents

Learned counsel appearing for the petitioner submits that the private respondents are resisting a new electricity connection from being given to the petitioner on a property where the petitioner is residing. It is submitted that such connection has to be given over a common passage.

Learned counsel appearing for the Calcutta Electric Supply Corporation Limited (CESC Limited) submits that the matter be referred to the concerned District Magistrate, since there is a dispute between the petitioner and the private

respondents and some of the portions of the cable to be laid for the purpose of taking electricity connection to the petitioner's property has to go through private property.

Learned counsel appearing for the private respondents opposes such prayer of the petitioner and contends that the husband of the petitioner is already suffering a decree of eviction in respect of the property concerned. That apart, in the event the connection is to be given to the petitioner, the same will have to be taken over the property of the private respondents. Moreover, it is argued that the petitioner is also seeking to install the meter in the property of the private respondents.

Such contentions are disputed by learned counsel for the petitioner.

Since there are factual disputes as regards connection being given, under the Works of Licensees Rules, 2006, the concerned District Magistrate is the appropriate authority who has to decide such issues, as rightly pointed out by learned counsel for the CESC Limited.

Accordingly, W.P.A. No. 14455 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having jurisdiction, with the dispute as raised in the present writ petition.

If so approached, the District Magistrate concerned shall decide the same in accordance with law, upon giving adequate opportunity of hearing to all concerned, including the petitioner, the private respondents and the CESC Limited.

Such exercise shall be concluded by the District Magistrate as expeditiously as possible, positively within eight weeks from such reference being made by the petitioner.

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.)