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28.06.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14815 of 2023

Dulal Das & Anr.
Vs.
State of West Bengal & Ors.

Mr. Narayan Chandra Bhandary
...for the petitioner

Mr. Jagabandhu Roy,
Mr. Kaustav Chatterjee
...for the State

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

Learned counsel appearing for the petitioners vociferously argues that, in collusion with the private respondents, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has disconnected the electricity supply of the petitioners yesterday during the pendency of the writ petition.

Insofar as the original cause of action of the writ petition is concerned, it is argued that an electricity pole was installed on the property of the petitioners since long back, despite the specific objection of the petitioners. Although the petitioners gave several representations in that

regard, nothing has been done by the WBSEDCL to mitigate the problem of the petitioners.

Learned counsel appearing for the WBSDECL disputes such contention and submits that no complaint has been lodged with the WBSEDCL as yet by the petitioners regarding restoration of electricity connection.

Insofar as the pole is concerned, it is argued that the same has not been installed on the petitioners' property but on public land and is being used for giving electricity connection to several others.

Certain disputed questions of fact have been raised by the petitioners. The question here is whether the WBSEDCL has installed an electricity pole on the land of the petitioners and, if so, whether the petitioners are entitled to any compensation for the same under the contemplation of the Works of Licensees Rules, 2006 and/or any other governing law.

Insofar as the other issue of alleged disconnection is concerned, the same is a subsequent development alleged by the petitioners, in support of which the petitioners submitted that they have lodged a General Diary.

However, since no application for restoration of electricity has yet been made with the

WBSEDCL, nor has it been established that the WBSEDCL has any role to play in such restoration, no relief can be granted at the present juncture regarding the same.

Accordingly, W.P.A. No. 14815 of 2023 is disposed of by granting liberty to the petitioners to approach the concerned District Magistrate, with a proper application in accordance with law, for resolution of the dispute regarding the installation of pole allegedly on the petitioners' property and connected prayer for compensation, if the petitioners so choose.

Upon such application being made, the District Magistrate shall decide the same in accordance with law, upon giving opportunity of hearing to all concerned, without being influenced in any manner by any of the observations made herein.

Insofar as the allegation of disconnection is concerned, the petitioners have not yet taken out any application before the WBSEDCL for restoration of such connection.

Hence, further liberty is granted to the petitioners to file a proper application in accordance with law and procedure before the WBSEDCL for the purpose of restoring the electricity connection of the petitioners.

If such application is made in due process of law, the WBSEDCL shall immediately consider the same and restore the electricity connection, if the same is within the domain of the WBSEDCL.

That apart, if the petitioners have any grievance against the private respondent on any score, it will be open to the petitioners to approach the appropriate forum, either criminal or civil, with such dispute, which will be decided independently and in accordance with law.

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.)