

AD-02
Ct No.09
07.06.2023
TN

WPA No. 16701 of 2021

Smt. Bina Khattry
Vs.
CESC Limited and others

Mr. Manish Shukla,
Ms. Sofia Nesar,
Mr. Santanu Sett

.... for the petitioner

Mr. Debanjan Mukherji

.... for the CESC Limited

An adjournment is sought on the ground of the learned senior appearing in the matter for the petitioner.

However, it is seen from the order-sheets that on two previous occasions, that is, on May 19, 2023 as well as June 05, 2023, adjournments were sought and granted at the behest of the petitioner. This is the third such occasion and the item is appearing as the second matter in the day's list. Hence, such prayer for adjournment is refused.

The matter is, thus, taken up for hearing.

It is clear from the averments made in the writ petition that, in paragraph no. 05 of the same in particular, the petitioner has alleged that the petitioner found that the men and agents of Maharshi Dadhichi Seva Trust, which is private respondent

no.4, had cut the main electricity connection of the petitioner and allegedly destroyed and damaged the main switch of the electric meter in order to disturb the petitioners and hamper their peaceful possession. It is also claimed in the writ petition that the petitioner is a monthly co-tenant in respect of a shop room at the premises-in-question.

Nothing has been stated in the averments of the writ petition regarding the pendency of any other proceeding before any other forum or court between the private parties.

Be that as it may, it is clear from the averments of the writ petition itself that since the disconnection was allegedly effected by the private respondent; it is beyond the domain of the writ court to direct the Distribution Licensee to restore such connection. In any event, if the petitioner is aggrieved by any disconnection by the private respondent, it is always open to the petitioner to approach the Controller under the Rent Control Act prevalent in the State and/or under any other statute or before the civil court for appropriate remedies against the private respondent.

Learned counsel for the Distribution Licensee, that is, the CESC Limited, also reiterates such contention and argues that the CESC Limited was not

involved in the alleged act of disconnection and, as such, has no authority to restore such connection.

In view of the aforesaid discussions, there is no scope of interference in the present writ petition.

Accordingly, WPA No. 16701 of 2021 is disposed of with liberty to the petitioner to approach the appropriate forum/authority and/or a competent civil court for the remedies sought against the private respondent.

It is made clear that since affidavits have not been invited, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents. It is further clarified that the merits of the contentions of the parties with regard to the rights of the private parties in respect of the disputed property have also not been gone into by this court. All such questions are kept open to be decided by the appropriate forum or competent court, if so approached by either of the parties.

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.)