

D/L. 19.
October 12, 2023.
MNS.

WPA No. 16016 of 2023

Sakti Pada Jana and others
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Deepan Kumar Sarkar,
Ms. Shruti Agarwal,
Mr. Dipayan Dan

... for the petitioners.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Mr. Prantik Ghosh,
Mr. Prasad Bhattacharyya,
Mr. Pritam Das

...for the private respondents.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioners contends that the petitioners purchased a property and sought an electricity connection there. However, due to objection of the private respondents, the same could not be given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).
3. It is argued that the vendors of the petitioners, to whom the common passage belonged, also

transferred the easement rights over such passage to the petitioners. A separate document conferring easement rights was also entered into.

4. Learned counsel submits that the petitioners are already enjoying temporary connection, but the same is being sought to be converted to a permanent line by laying underground cables under the common passage. The private respondents have raised objections.
5. Learned counsel for the WBSEDCL submits that the WBSEDCL attempted to give such connection, but due to objection by the private respondents, the same could not be given.
6. Learned counsel appearing for the private respondent contends that, on principle, the private respondents have no objection if the connection is taken beneath the common passage to the petitioner's property. However, in the garb of doing so, the petitioners are attempting to dig up the adjacent properties of the private respondents and others. Moreover, there is an alternative route to take connection. As such, the private respondents were compelled to raise such objection.

7. It transpires from hearing learned counsel for the parties that none of the parties have any objection if the petitioners take permanent electricity connection beneath the common passage, which leads to the petitioner's property, without disturbing the adjacent properties around such passage.
8. Hence, WPA No. 16016 of 2023 is disposed of by directing the WBSEDCL to give permanent electricity connection to the petitioners, as applied and paid for by the petitioners, to the petitioners' property by laying cables beneath the common passage over which the petitioners have easement rights and leads to the petitioners property, subject to all formalities being complied with by the petitioners.
9. Such exercise will be completed by the WBSEDCL within four weeks from date or upon compliance of all due formalities by the petitioners, whichever is later.
10. In the event any obstruction is raised by the private respondents in complying with the above direction, it will be open to the personnel of the WBSEDCL to approach the respondent no.2, that is, the Officer-in-

Charge, New Town Police Station, for adequate police assistance, in which case the respondent no. 2 shall act on a server copy of this order and provide such assistance to the WBSEDCL personnel for the limited purpose as indicated above, at the costs of the petitioners.

1. There will be no order as to costs.
2. 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.)