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02.08.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16380 of 2023

Ananda Jana
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh
...for the petitioner

Mr. Sankar Banerjee
...for the WBSEDCL

Mr. Joy Chakraborty,
Mr. Sandip Dinda
...for the respondent nos. 5 to 7

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel appearing for the petitioner
submits that the petitioner has purchased a
property and has got his name recorded in the
records of right duly. Thereafter, the petitioner
started construction of a building thereon and
sought for a new electricity connection for such
purpose.

Learned counsel appearing for the petitioner
places reliance on the purchase deed of the
petitioner to indicate that the petitioner has also

been conferred the right to get electricity connection over a passage.

Learned counsel for the Distribution Licensee submits that the said Licensee went twice to the property but could not give electricity connection due to resistance of the local people. It is contended that, if necessary, electricity connection can be given to the petitioner over a common passage in the area.

Learned counsel appearing for the private respondents submits that the private respondents are opposing the prayer of the petitioner since the electricity connection, if given, would have to be taken over the property of the private respondents, thereby causing immense hardship to the latter.

The nature of dispute raised is over the property through which/over which the connection is to be given to the petitioner. There is no dispute regarding the petitioner's ownership or occupation of his purchased property, where connection has been sought.

The limited scope of dispute is whether the petitioner is entitled to take electricity connection over the property-in-question and as to whether such route for taking connection is a common passage or the private property of the private respondents. The writ court is not equipped

properly to comprehensively decide such issue by taking evidence. Under the Works of Licensees Rules, 2006, it is the concerned District Magistrate, who is to decide such issues.

Accordingly, W.P.A. No. 16380 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate, having territorial jurisdiction over the area concerned, with the dispute as raised in the present writ petition.

If so approached by way of a proper application, the District Magistrate concerned shall decide such issue in accordance with law, upon giving adequate opportunity of hearing to the petitioner, the private respondents as well as the WBSEDCL and all interested parties, as expeditiously as possible, preferably within six weeks from the date of such application being made by the petitioner.

This Court has not gone into the merits of the rival contentions of the parties and the District Magistrate shall decide all issues independently and in accordance with law.

If the District Magistrate holds in favour of the petitioner, the WBSEDCL shall give an electricity connection to the petitioner expeditiously thereafter, preferably within a fortnight from the date of decision of the District Magistrate, subject to compliance of all formalities 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.)