

20th February,
2023
(AK)
03

W.P.A 21124 of 2022

Anita Jana and another
Vs.
The State of West Bengal and others

Mr. Praloy Bhattacharya
Ms Priya Ghosal
...for the petitioners.

Mrs. Bandana Basu
...for the WBSEDCL.

Mr. Swapan Kr. Pal
...for the State.

Learned counsel for the petitioners submits that due to the resistance of the respondent no.8, the WBSEDCL is not being able to give electricity connection to the petitioners as per the petitioners' application for new connection.

Despite service, none appears for the private respondent no.8.

Learned counsel for the WBSEDCL submits that the WBSEDCL has attempted several times to give such electricity connection to the petitioners and, for the said purpose, four electric poles have already been installed.

However, due to resistance of the private respondent no.8, the connection could not be given, upon which a resolution was attempted both by the officials of the WBSEDCL and by the local people.

The local 'Salishi Sabha', conducted under the aegis of the Panchayat Pradhan, resulted in an observation by the said Sabha to the effect that there was a 44 link (29 feet) passage over Dag No. 27.

It was further observed that the private respondent no.8 does not have any title over the said Dag no.27 and if electricity connection was given over the said passage, it would not be inconvenient for the private respondent.

However, since several attempts by the WBSEDCL are being met by resistance from the respondent no.8, learned counsel submits that the measurement of the property may be done only through the District Magistrate.

Heard learned counsel for the parties.

It transpires in the present case that due to the obstruction of the private respondent no.8, the present petitioners are being consistently deprived of the right to get a new electricity connection at their premises as guaranteed under Section 43 of the Electricity Act, 2003.

Since there was a meeting of minds of the local Panchayat Pradhan and the other respected people of the area to the effect that the private respondent no.8 would not be inconvenienced if electricity connection is given over the passage which runs through Dag no.27, I cannot find any difficulty in such connection being given.

In any event, the private respondent no.8 always has the option to approach the concerned District

Magistrate in the event the private respondent no.8 has some inconvenience in that regard.

However, the electricity connection of the petitioners cannot be withheld indefinitely on such ground alone.

Accordingly, WPA 21124 of 2022 is allowed, thereby directing the WBSEDCL to give electricity connection to the petitioners as per their application over the passage as indicated by the Panchayat 'Salishi Sabha', that is, of about 29 feet width running through the Dag No.27 as expeditiously as possible, preferably within a fortnight from date.

In the event any resistance is offered by the private respondent no.8 and/or her men and agents, it will be open to the WBSEDCL personnel to approach respondent no.7, the Officer-in-charge of the Ramnagar Police Station for adequate police assistance.

If so approached, such assistance shall be given by the respondent no.7 at the cost of the petitioners.

It is made clear that the right of the private respondent no.8 to approach the concerned District Magistrate in the event there is any subsequent inconvenience in that regard is not precluded by any observation made herein.

If such an approach is made, the District Magistrate will be at liberty to decide the issue in accordance with law upon giving an opportunity of hearing to all concerned.

The copies filed today by learned counsel for the WBSEDCL be kept on record.

Since no affidavits have been invited in the matter, it is deemed that none of the allegations made in the writ petition are admitted by any of the respondents.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)