

AD-18
Ct No.09
11.10.2023
TN

WPA No. 23117 of 2023

Anupam Bali
Vs.
The State of West Bengal and others

Mr. Sanjib Kumar Mal,
Ms. Gitasree Misti,
Mr. Rajnil Mukherjee,
Ms. Debolina Sarkar

.... for the petitioner

Mr. Suman Sengupta,
Mr. Saikat Chatterjee

.... for the State

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

- 1.** Learned counsel for the petitioner contends that the petitioner specifically objected to an electricity line being taken over the petitioner's land, which was converted by the petitioner after acquiring the same from *sali* to *bastu*.
- 2.** Subsequently, a transformer has been installed in the petitioner's property and the same has been activated despite pendency of the writ petition.
- 3.** Learned counsel places reliance on the copies of the deed as well as the extracts of the records of

rights annexed to the writ petition indicating the petitioner's ownership of the property.

4. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) specifically submits that the WBSEDCL does not have any objection to shifting the transformer and the line, subject to the petitioner identifying the exact demarcated portion of his property.
5. It is further argued by the WBSEDCL that the Panchayat concerned, which is also a respondent herein, gave a go-ahead to the WBSEDCL to have the electricity connection activated.
6. Heard learned counsel for the parties.
7. It transpires from the documents annexed to the writ petition that the petitioner has purchased a portion of the property-in-question which is demarcated, the boundaries being indicated in the deed itself. The records of rights also indicate that the petitioner is in occupation of the same.
8. Hence, the WBSEDCL acted *de hors* the law in activating the electricity connection over the petitioner's property and installing a transformer without taking consent from the petitioner. However, since it is beyond the scope of the writ court to exactly locate the portion of the

petitioner's property, it will only be appropriate if final orders in that regard are passed by the District Magistrate.

- 9.** Accordingly, WPA No. 23117 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question, ventilating the grievances as raised in the present writ petition.
- 10.** If such an approach is made, the District Magistrate shall give adequate hearing to all concerned including the parties to the present writ petition and call for a report from the B.L.& L.R.O to demarcate the exact portion of the property owned by the petitioner.
- 11.** Upon taking such report on record and giving an opportunity of hearing on the same to all the parties to the dispute, the District Magistrate shall decide the issue in accordance with law. In the event it is found that the electricity connection and/or the transformer have been installed/taken over the property of the petitioner, the WBSEDCL shall be directed by the District Magistrate to remove the same within a limited period at the cost of the WBSEDCL.

- 12.** It is, however, made clear that this court has not entered into the merits of the subject-matter of adjudication before the District Magistrate as indicated above and it will be open to the District Magistrate to decide such issues upon calling for a report in the manner as indicated above.
- 13.** It is expected that the entire exercise shall be concluded within December 31, 2023.
- 14.** There will be no order as to costs.
- 15.** 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.)