

D/L. 31.
October 19, 2023.
MNS.

WPA No. 23551 of 2023

Sirajul Molla
Vs.
The State of West Bengal and others

Mr. Sirajul Haque Mondal

... for the petitioner.

Ms. Sormi Dutta

...for the State.

Mr. Uday Sankar Bhattacharya

...for the CESC Limited.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that although service was sought to be effected at the address of the private respondent as given in the plaint of a suit filed by the private respondent, the service could not be effected apparently because the said respondent could not be located.
3. In view of such contention, upon a perusal of a memorandum of appeal arising from the said suit which is handed over in court and kept on record, this court is convinced that the

private respondent is deliberately avoiding service.

4. Accordingly, the hearing of the matter is taken up in the absence of the private respondent.
5. Learned counsel for the petitioner argues that the petitioner has not been given electricity connection despite having applied for the same.
6. Learned counsel appearing for the CESC Limited points out that there is a private dispute between the petitioner and the private respondent.
7. That apart, it is submitted that the municipal authorities had issued a notice with regard to the property-in-question.
8. Learned counsel for the petitioner submits that the Municipal Authority issued a notice to the private respondent with regard to deviation from sanctioned plan in the construction of the house.
9. It is submitted that nothing hinges on such notice insofar as the present case is concerned.
10. Being satisfied with the submission of the petitioner with regard to the Municipal notice having no bearing on the right of the petitioner

to get electricity where the petitioner is in occupation, the relief sought by the petitioner is required to be granted within the contemplation of Section 43 of the Electricity Act, 2003.

11. Accordingly, WPA No. 23551 of 2023 is allowed, thereby directing the CESC Limited to give electricity connection to the petitioner, subject to the petitioner complying with all formalities, including construction of a meter board shed as required by the CESC, within a fortnight from the date of compliance of such formalities by the petitioner.

12. In the event any obstruction is raised by the private respondent and/or his men and agents, the CESC Limited personnel will be at liberty to approach the respondent no. 4, that is, the Officer-in-Charge, Rabindranagar Police Station, who will grant adequate police assistance at the cost of the petitioner in such case, if necessary, removing any hindrance or padlock in the process of giving electricity connection to the petitioner by the CESC Limited personnel.

13. The written instruction filed by learned counsel for the State be kept on record.

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.)