

19th January,
2023
(AK)
03

W.P.A 28763 of 2022

Bhagyadhar Kamila
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Kalipada Chakraborty
...for the petitioner.

Mr. Kanak Kiran Bandopadhyay
...for the WBSEDCL.

Mr. Ramdulal Manna
Ms. Manju Manna (De
Mr. Sayan Mukherjee
Ms. Mitali Mondal
Mr. Urfan Ali Mondal
Ms. Payel Khanna
...for the respondent nos.7 to 9.

Learned counsel for the petitioner urges that the petitioner's electricity connection was severed by the private respondent nos.7 to 9. Accordingly, criminal proceedings have been initiated.

At the present juncture, the petitioner has sought reconnection of the electricity through the "Sabek" Plot No. 6275, alternatively for a new service connection to the residential house of the petitioner through a 10-link pathway upon "Sabek" Plot No. 6269 and 6274 of Mouza-Kismat Bajkul, District- Purba Medinipur.

Learned counsel for the private respondents disputes that the private respondents have disconnected

the petitioner's electricity supply. However, it is argued that several civil and criminal cases are pending at present between the parties.

Although it is admitted by learned counsel for the private respondents that a person's right to enjoy electricity cannot be ruled out, it is submitted that the connection ought not to be given over the private respondents' property.

Upon hearing learned counsel for the parties, it transpires from the contentions of the respective parties that the private respondents dispute the allegation of having disconnected the electricity supply of the petitioner.

Since the petitioner has been admittedly enjoying electricity to the petitioner's property, there cannot be any impediment to the said electricity line being restored to the petitioner.

However, since the private respondents are raising a dispute with regard to the electricity line having gone over the latter's property, it will be open to the said private respondents to approach the concerned District Magistrate with the dispute, if so raised by the private respondents.

Hence, WPA 28763 of 2022 is disposed of by directing the WBSEDCL to restore the electricity supply of

the petitioner over the route where it was originally running.

In the event any obstruction is created by the private respondents and/or their men and agents in doing so, it will open to the WBSEDCL personnel to approach the respondent no.6, that is, the Officer-in-Charge of the Bhupatinagar Police Station for adequate police assistance.

If so approached, the respondent no.6 shall act on the written communication of the learned advocate for the parties and/or server copy of this order without insisting upon prior production of a certified copy and give such assistance to the WBSEDCL officers at the cost of the petitioner.

It is, however, made clear that this court has not gone into the respective merits of the contentions of the private respondents and the petitioner with regard to alleged encroachment over the land of the private respondents and/or about the allegation of disconnection of electricity of the petitioner by the private respondents.

It will be open to all the civil, criminal and other forums before which disputes are pending between the parties to decide such disputes independently without being influenced in any manner by any of the observations made herein.

It is further made clear that in the event the private respondents have a dispute alleging that the petitioner's electricity line has been taken over the private respondents' property, it will be open to the private respondents to approach the concerned District Magistrate with such dispute.

If so approached, the District Magistrate shall decide the issue upon giving adequate hearing to all concerned and in accordance with law, at the earliest.

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.)