

24.04.2023.
Court No.13
Item No. 5
ap

W.P.A. No. 28878 of 2022

**Rajesh Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Dhananjay Banerjee,
Mr. Tanmoy Khan.

...For the petitioner.

Mr. Swapan Kumar Pal.

...For the State.

Mr. Debanjan Mukherjee.

...For the CESC.

Mr. Jayanta Sengupta,
Mr. Sanjib Bandyopadhyay,
Mr. Sounak Banerjee.

...For the respondent no.4.

1. The parties are represented. Affidavits have been exchanged.
2. The petitioner claims that the meter standing in the name of his mother has been wrongfully transferred by CESC to the private respondent.
3. Counsel for the CESC on the other hand submits that the meter standing in the name of the petitioner's' mother has been disconnected on her own application on 4th January, 2022. He further submits that the private respondent has been afforded an electricity connection based on an application made by her and after due inspection and compliance of all formalities.
4. The petitioner claims that the private respondent does not even have possession in respect of the property in question and she is at best a trespasser.

5. Since CESC, on inspection, found that the private respondent was in possession of the property and electricity connection has been afforded to her independently, after compliance with the formalities, this Court cannot enter into the status of the private respondent vis-à-vis the petitioner or the property. Nothing stated hereinabove should be construed as such.

6. It is made clear that availing of electricity connection by the private respondent shall not create any equity or right in her favour in respect of the property in question.

7. The parties may have their respective status in respect of the aforesaid property ascertained before an appropriate civil or statutory forum.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)