

22.12.2023
Item No.16
gd/ssd

MAT/2436/2023
IA NO: CAN/1/2023
SUJOY DAS AND ANR.
VS
CESC LIMITED AND ORS.

Mr. Shamim ul Bari
..for the Appellants.

Mr. Debayan Mukherjee
..for the CESC Limited.

Mr. Abhishek Banerjee
..for the State.

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Mr. Neha Singh
..for the Respondent No.5.

1. We have elaborately heard the learned advocates for either of the parties and we find that this is the third round of litigation and in the earlier round of litigation the court directed the District Magistrate, South 24-Parganas to examine the matter in its entirety and from the order passed by the District Magistrate, we find that all the parties were granted opportunity. They were represented by their learned advocates and thereafter an order has been passed by the District Magistrate taking note of the inspection report and ground realities.

2. This order was once again challenged by the appellant in the writ petition which was dismissed.

3. In our considered view, the locational advantage and disadvantage cannot be decided by a writ court and, therefore, rightly on the earlier occasion the matter stood relegated to the District Magistrate who has passed an order from which it is seen that the meter has to be shifted to a place where from all parties will be entitled to get electricity service connection.

4. Thus, under Article 226 of the Constitution of India we cannot substitute view taken by the authorities in this regard, more particularly when the matter concerns electricity supply to the respondent which has not been granted since the year 2021 onwards.

5. For the above reasons, we find no good ground to interfere with the order of the learned Single Bench.

6. Accordingly, the appeal fails and is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)