

16
28.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 1481 of 2024

Smt. Chandana Pramanik
Vs.
The Chairman, West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Anjan Banerjee
... for the petitioner

Ms. Payel Khanra
...for the WBSEDCL

Mr. Pappu Adhikari
...for the respondent no. 9

1. Affidavit-of-service filed in Court today be kept on record.
2. An adjournment is sought on behalf of the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in view of absence of counsel for the said respondent.
3. However, in view of innocuous nature of the order proposed, the matter is taken up for hearing.
4. The appearance of Ms. Payel Khanra shall be regularized by the WBSEDCL to enable her to represent the said respondent for this matter.
5. The petitioner alleges that although this Court, vide order dated December 16, 2022 passed in W.P.A. No. 22831 of 2022, had directed the District

Magistrate, Howrah, to decide the issue involved in the writ petition in accordance with law and upon giving opportunity of hearing to all concerned as expeditiously as possible, positively within six weeks from the date of approach being made by the petitioner, the matter has still been kept pending by the said District Magistrate.

6. Learned counsel appearing for the respondent no. 9 hands over a copy of an order dated May 03, 2023 indicating that the District Magistrate had directed the District Registrar, Howrah, to submit a report regarding authenticity of the deeds submitted by the petitioner and the private respondent. Let the copy of the order be kept on record.

7. It is submitted by the learned counsel for the petitioner that the said report has already been filed.

8. It also appears from the said order that the Divisional Engineer, Howrah Division-II, WBSEDCL was directed to cause a joint field inspection with B.L & L.R.O., Amta-1 with prior intimation to the petitioner and private respondents.

9. Be that as it may, upon query of Court, the petitioner submits that the petitioner approached the District Magistrate after about three months from the passing of the order dated December 16,

2022. Although, under normal circumstances, the petitioner should not have favoured with an order on the ground of equity, since the petitioner herself caused a delay in approaching the District Magistrate, still, in view of the inordinately long pendency of the matter before the District Magistrate, the District Magistrate is required to be directed to dispose of the matter at the earliest.

10. Hence, W.P.A. No. 1481 of 2024 is disposed of by directing the respondent no. 2, that is, the District Magistrate, Howrah, to comply with the order dated December 16, 2022 passed in W.P.A. No. 22831 of 2022 and dispose of the matter pending before the respondent no. 2 as expeditiously as possible, positively within April 30, 2024, by ensuring that all the reports directed by the District Magistrate are submitted at the earliest.

11. It is expected that the timeline indicated above shall be adhered to strictly by the District Magistrate, Howrah.

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)