

D/L.34.
April 22, 2024.
MNS.

WPA No. 2019 of 2024

Tarakeswar Mahato
Vs.
The CESC Limited and others

Mr. Sunny Nandy,
Mr. Rohit Kuamar Yadav

... for the petitioner.

Ms. Diana Ghosh Dastidar

...for the CESC Limited.

Mr. K. J. Yousuf,
Mr. Kazi Sajjad Alam

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite attempt to serve, the envelope sent to the private respondent has returned with the endorsement 'refused', denoting good service in law.
3. Since the other respondents and the petitioner are represented through counsel, the matter is taken up for hearing.
4. The grievance of the petitioner, an alleged tenant in respect of the premises-in-question, is that due to resistance put up by the respondent no. 6-landlord, a new electricity connection could not be given to the petitioner. Even the inspection for such purpose could not be held by the CESC

Limited due to the resistance of the said private respondent.

5. Learned counsel appearing for the CESC Limited corroborates such contention.
6. Since the petitioner, as an occupant, has a right to get electricity connection, the resistance on the part of the respondent no. 6 on the ground of purported unlawfulness of such possession is not tenable in the eye of law.
7. Accordingly, WPA No. 2019 of 2024 is disposed of by directing the CESC Limited to hold an inspection at the premises-in-question for the purpose of ascertaining the feasibility of giving electricity connection to the petitioner from the existing meter board position within a week from date.
8. If it is found so feasible and pursuant to compliance of all formalities by the petitioner, such connection shall be given by the CESC Limited to the petitioner within a fortnight thereafter.
9. Either at the juncture of holding the inspection or giving such connection, in the event the CESC Limited personnel are obstructed in any manner in doing so by the respondent no. 6 and/or her men and agents, it will be open to the CESC Limited personnel to approach the

respondent no. 5, that is, the Officer-in-Charge, Karaya Police Station, for adequate police assistance.

10. If so approached, the respondent no. 5 shall act on the server copy of this order and provide such assistance to the CESC Limited personnel at the cost of the petitioner, if necessary, removing any hindrance/padlock, if put up in the way of access of the CESC Limited personnel to ensure such access.

11. There will be no order as to costs.

12. 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.)