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18.04.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2122 of 2024

Lalmati Harijan
Vs.
CESC Limited & Ors.

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder
Ms. Neha Singh
...for the petitioner

Dr. Madhusudan Saha Ray
...for the CESC Limited

Mr. Debasis Kar
...for the respondent no. 8

1. A report is filed today by the Calcutta Electric Supply Corporation Limited (CESC Limited) in pursuance of the previous direction of this Court, which is kept on record.

2. It is indicated in the said report that a 3 ft.-wide passage was found, under which an underground cable line can be laid for the purpose of giving electricity connection to the petitioner.

3. Learned counsel for the private respondent contends that a civil suit is pending in respect of the property under which the proposed line is to be taken.

4. It is also contended that the private respondent claims title over the said property.

5. Moreover, the private respondent apprehends that if the underground cable is laid, the passage may not be restored properly, thereby creating hindrance to the ingress and egress of the private respondent.

6. The said apprehension of the private respondent can be allayed in the event appropriate directions are given to the CESC in that regard.

7. Hence, W.P.A. No. 2122 of 2024 is disposed of by directing the CESC Limited to give a new service connection to the petitioner as per the petitioner's application, subject to all required formalities being complied with by the petitioner, by laying underground cable underneath the 3 ft.-wide passage, as suggested in the report of the CESC Limited.

8. Such laying of cable shall be completed as expeditiously as possible, with prior notice to the petitioner as well as the private respondent.

9. It is made clear that all safety precautions shall be taken by the CESC Limited while laying such cable, taking appropriate care to restore the passage to its original position after the laying work is completed.

10. That apart, it is clarified that the laying of such cable or giving of electricity connection to the petitioner shall not create any special right or equity in favour of the petitioner and shall be without prejudice to the rights and contentions of the petitioner as well as the private respondent in the pending civil suit between them.

11. The CESC personnel will be at liberty to approach the respondent no. 4, that is, the Officer-in-Charge, Noapara Police Station, if any obstruction is raised while laying such cable or giving the connection.

12. If so approached, the respondent no. 4 shall act on the server copy of this order and provide adequate police assistance at the cost of the petitioner, to assist the CESC personnel in laying the cable and giving the connection.

13. If any hindrance or obstruction is put up to defeat the purpose of giving such connection, the same shall be removed by the police authorities as well.

14. There will be no order as to costs.

15. 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.)