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14.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 3137 of 2024

Sk. Surabuddin

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Ms. Juin Dutta Chakraborty,
Mr. Bidan Modak,
Ms. Madhumita Paul
...for the petitioner

Ms. Susmita Chatterjee
...for the WBSEDCL

1. Despite service, none appears for the private respondent.
2. Learned counsel for the petitioner submits that the petitioner and other plaintiffs had filed a partition suit, bearing Title Suit No. 89 of 2013, which was ultimately decreed in favour of the petitioner. A copy of the judgment and decree of the said suit is also annexed to the writ petition.
3. Subsequently, however, when the petitioner sought for electricity connection in his name at the premises, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) refused to give the same on the ground of objection raised by the private respondent no. 4.

4. Learned counsel for the WBSEDCL hands over a photocopy of a written objection given by the respondent no. 4 citing pendency of the said suit.

5. However, since the suit has already been decreed in favour of the petitioner, the pendency of the said suit is no longer a valid ground for objection. In any event, mere pendency of a suit or subsistence of a status quo order, without any specific restraint order in that regard, cannot be a deterrent to give electricity connection, which is a basic amenity, to an occupant.

6. Accordingly, W.P.A. No. 3137 of 2024 is allowed on contest, directing the WBSEDCL to give electricity connection to the petitioner within a fortnight from the date of compliance of all formalities by the petitioner or this order, whichever is later.

7. In the event any obstruction is raised by the private respondent no. 4 and/or his men and agents in doing so, the WBSEDCL will be at liberty to approach the respondent no. 3, that is, the Officer-in-Charge, Shyampur Police Station, for giving adequate police assistance.

8. The respondent no. 3 shall act on a server copy of this order and grant such assistance, at the cost of the petitioner, if necessary breaking open any padlock or other hindrance put up to the access of the WBSEDCL personnel.

9. Copies of the written objection and the copy of the plaint submitted by the WBSEDCL today be kept on record.

10. There will be no order as to costs.

11. 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.)