

July 8, 2024
Sl. No.60
Court No.9
s.biswas

WPA 4352 of 2024

Md. Chandan Sekh

vs.

The State of West Bengal and others

Mr. Rajesh Naskar

Mr. Md. Jannat Ul Firdous

... for the petitioner

Mr. Ashim Kr. Ganguly

Ms. Mousum Chowdhury

... for the State

Mr. Sujit Sankar Koley

... for the WBSEDCL

1. Affidavit of service is taken on record. Despite service, none appears for the respondent no.11.
2. No relief can be granted to the petitioner in this writ petition. The learned advocate for the petitioner has not been able to satisfy the court that the Memo No.601(5) dated September 22, 2004 issued by the respondent no.5, is still in vogue.
3. It is contended that the West Bengal Electricity Distribution Company Limited that the petitioner is apprehending that the respondent no.11 is going to make the construction in order to sink a submersible pump. The writ petition seeking an injunction upon the electricity distribution company from effecting connection to the alleged submersible pump, is not maintainable. It is further contended that the memorandum of 2004 is not in prevalence any more. The Water Investigation & Development Department,

Government of West Bengal, has issued other notifications which indicate that submersible pumps can be installed if the centrifugal force of the water is in excess of a particular limit.

4. The petitioner contends that an ad interim order of injunction was passed on January 29, 2024 by the learned Civil Judge (Junior Division), 1st Court, Kandi, Murshidabad in Title Suit No.32 of 2024. The defendant in the said suit, was restrained from making any construction over Ka-1 schedule property. It is the contention of the petitioner that the construction on Ka-1 schedule property was in respect of sinking the submersible pump.
5. As the petitioner has already approached the learned civil court with his prayer for injunction restraining the defendant in the said suit from encroaching into the Ka-1 schedule property, the said order will be binding on all and if the petitioner is aggrieved by non-compliance of such order, the petitioner is at liberty to approach the learned civil court with appropriate prayers. The order of the learned civil court is retained with the records.
6. Accordingly, the writ petition stands disposed of.
7. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)