

09.09.2024  
Court No.09  
Item no.9  
CP

WPA No. 11849 of 2024

Niranjana Khanra  
Vs.  
The State of West Bengal & ors.

Mr. Suryasarathi Basu  
.... for the Petitioner.

Mr. Debanjan Mukherjee  
....for the CESC Ltd.

Mr. Sanjay Mukherjee  
.....for the respondent nos. 7 & 8.

Mr. Anirban Ray  
Mr. Tanoy Chakraborty  
Mr. Saptak Sanyal  
.....for the State.

The petitioner submits that the CESC authorities have failed to shift the meters, which cater to supply of electricity to the petitioner and the respondent Nos.7 and 8. The position of the meter is inside a room used by the petitioner.

The petitioner claims to be an occupier. The petitioner submits that while granting electricity, the authorities are also required to ensure safety and security. The positioning of the meter inside the room is hazardous.

Learned advocate for the respondent nos. 7 and 8 submits a sketch map which indicates that the meters were all placed in a passage. The petitioner had converted the passage into a space of his own,

which he used as a kitchen. Apprehending fire hazard, a door was affixed at the entrance of the passage to prevent access to the petitioner. It is submitted that the door will be removed, but the common meter board position is already in a passage and is not required to be shifted.

Mr. Mukherjee, learned advocate for the CESC Ltd., submits that the petitioner did not make any formal application for shifting. On the contrary, the respondent no. 7 had made an application. Accordingly, a joint inspection was held and a space was earmarked for placing of the meters. The respondent nos. 7 & 8 are not willing to pay the money and get the meter shifted, as it is submitted by them that the access to the passage will be free and the door will be removed. The CESC authorities will have free access to take meter readings.

The CESC authorities have specifically submitted that the respondent nos. 7 & 8 had affixed a door with a padlock which created the hindrance.

The writ petition has been filed for a mandamus upon the CESC to remove the meters from the existing meter board position on the basis of the request made by the respondent nos. 7 & 8. On the request of respondent nos. 7 & 8, the CESC caused an inspection and gave them a demand notice. It is upto the respondent nos. 7 & 8 whether

they want to continue with the request for shifting, upon payment of the charges.

The petitioner cannot seek a mandamus upon the CESC on the basis of the request made by the respondent nos. 7 & 8. All that the petitioner is entitled to, is uninterrupted supply of electricity upon payment of charges. The petitioner did not apply for shifting.

The supply of the petitioner shall not be disturbed in any way and the CESC authorities shall not be prevented from accessing the meter of the petitioner. The respondent nos. 7 & 8 will provide free access to the CESC authority to reach the meter of the petitioner, by removing the padlock. If the padlock is not removed and the CESC authority does not get access, the CESC authorities will immediately report the matter to the police authorities and the police authorities shall break the padlock to provide access.

It appears that an eviction suit is pending. This order shall not prejudice the learned civil court while adjudicating the eviction suit.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**