

AD-27  
Ct No.09  
07.05.2024  
TN

WPA No. 12223 of 2024

Seikh Jasimuddin  
Vs.  
West Bengal State Electricity Distribution Company  
Limited and others

Mr. Subrata Bhattacharjee

.... for the petitioner

Ms. Susmita Chatterjee

.... for the WBSEDCL

- 1.** The petitioner contends that the disputed electricity connection has been taken over the roof of the petitioner's building, thereby endangering the petitioner and his family.
- 2.** It is argued that at the inception, before the line was taken, objection was raised but overlooking the same the connection was given. Subsequently also a representation has been made but the same has not yet been considered by the West Bengal State Electricity Distribution Company Limited (WBSEDCL). It is argued that the petitioner himself enjoys the electricity connection from a different electricity pole on an open space and the petitioner does not have any objection if the electricity connection of the private respondent is shifted to the said pole.
- 3.** Learned counsel for the WBSEDCL files a short 'Statement of Fact' and argues that at the initial stage before the line was drawn, an objection was raised but not in writing. Subsequently upon holding another

inspection, the connection to the private respondent has been given over a PWD land and not over the petitioner's property.

4. Thus, it is evident that there is a factual dispute as to whether the connection-in-question has been given over the petitioner's land or over a public property.
5. The writ court is not equipped enough to decide such factual disputes requiring evidence to be assessed.
6. Accordingly, WPA No. 12223 of 2024 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction over the area to resolve the issue between the parties. If such an approach is made, the District Magistrate shall, upon giving opportunity of hearing to the petitioner as well as the WBSEDCL, decide the issue in accordance with law, positively within eight weeks from the date of communication of this order to the District Magistrate.
7. There will be no order as to costs.
8. 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.)