

AD-38  
Ct No.09  
10.05.2024  
TN

WPA No. 12643 of 2024

China Ghosh and others

Vs.

The Chairman, West Bengal State Electricity Distribution  
Company Limited and others

Mr. Subhas Chandra Atha,  
Ms. Payel Paramanik

.... for the petitioners

Ms. Suvasree Ghose

.... for the WBSEDCL

- 1.** Learned counsel for the petitioners argues that the writ petitioners' father, since deceased, had an electricity connection in his name at the premises-in-question. Subsequently on his demise, the petitioners applied for disconnection of such electricity supply.
- 2.** However, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has not yet disconnected the same. Learned counsel for the WBSEDCL hands over a photocopy of a written objection filed by the private respondent no. 4 namely Sunil Ghosh. In the said written objection, it has been stated by the said Sunil Ghosh that a title suit bearing no. 250 of 2023 is pending before the Civil Judge (Junior Division), First Court at Bankura in which there is an injunction/status quo order in force.
- 3.** Learned counsel for the petitioners places reliance on information slips annexed to the present writ petition which indicate that at least as on April 05, 2024, there

was no status quo order against the electricity department.

4. However, learned counsel for the petitioners submits on query of court that there is a subsisting status quo order regarding the nature and character of the building.
5. It is contended by the petitioners that such status quo does not prevent the disconnection of electricity supply.
6. Considering the competing interests of the private respondents, who are at present residing at the premises, and that of the writ petitioners, this Court is of the opinion that although the private respondents, as occupants, are entitled to electricity connection, they are so entitled by applying for electricity connection in their own names.
7. It is the absolute prerogative and right of the petitioners, who are the legal heirs of the deceased original consumer, to have the existing connection standing in the name of the deceased disconnected. Since the private respondents do not appear despite service, which is borne out by the affidavit-of-service which is kept on record, the matter is taken up for disposal *ex parte* in their absence.
8. In view of the above observations, WPA No. 12643 of 2024 is disposed of by directing the WBSEDCL to effect disconnection of the electricity supply standing in the name of the deceased predecessor-in-interest of the petitioners in terms of the petitioners' application

subject to compliance of all formalities by the petitioners within a fortnight from date. If any resistance is put up by the private respondents in doing so, it will be open to the WBSEDCL personnel to approach the respondent no. 3, the Inspector-in-Charge, Bankura Police Station (Sadar) for grant of adequate police assistance which will be so granted at the cost of the petitioners by respondent no. 3 by acting on a server copy of this order.

- 9.** In the event any padlock or other hindrance is put up, it will be open to the police personnel to remove the same for giving access to the distribution licensee.
- 10.** However, it is made clear that the private respondents shall be at liberty to apply for fresh electricity connection in their own name, and if they so apply and comply with formalities, the WBSEDCL shall give such connection to the private respondents from the existing meter board position at the subject premises, to which the petitioners shall not create any obstruction. If such connection is given, however, the same will be subject to the outcome of the pending suit between the parties.
- 11.** There will be no order as to costs.
- 12.** 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.)

