

29.07.2024
Sl. No. 266
g.b./Swa.M
Court No.09

WPA 14222 of 2024

Jalal Ali Khan
-Vs-
*The Chairman, West Bengal State Electricity
Distribution Company Ltd. & Ors.*

Mr. Robiul Islam
Mr. Syed Mosihar Rahman
.....For the Petitioner
Mr. Kanak Kiran Bandyopadhyay
.....For the WBSEDCL
Ms. Juin Dutta Chakraborty
Mr. Debasish Kundu
Mr. B. Modak
For the Respondent Nos. 5, 6 and 7
Mr. Debanjan Mukherjee
.....For the CESC

Perused the report filed by the Divisional Engineer (Electrical) & Station Manager, Ajodhya, Customer Care Centre, Howrah.

It appears from the report that two routes had been chalked out by the West Bengal State Electricity Distribution Company Limited for grant of service connection to the premises of the petitioner, namely, route no.1 and route no.2. For grant of connection through route no.1 drawal of low tension overhead line with three numbers of PCC poles would be required. The line would be drawn through a narrow common passage approximately three feet wide. Such passage was between the houses of Sekh Saharaf Khan, Ganirul Khan and Israfil Ali Khan, Jaghangir Khan and others. Israfil Ali Khan and Sekh Saharaf Khan and others claimed the common passage to be their private land and objected to installation of the poles through such passage.

Route No. 2 as proposed by the Customer Care Center was through a non-demarcated passage and such

drawal of line could be achieved upon erection of 2 PCC poles. Sekh Saharaf Khan and Ganirul Khan again objected to the said route claiming title over the passage. Under such circumstances, the authorities have come back with the report, inter alia, indicating that they are not in a position to decide the title in respect of the passages in question and draw the line either through route 1 or route 2. Petitioner submits that the 3 feet wide passage belongs to the petitioner, but the neighbours were objecting to the drawal of line although they were enjoying their own connection through the said passage. There are existing connections through the passage to different houses. Another connection through the same route would not create any hindrance to any one's enjoyment of the passage.

Thus, the situation can be resolved only when the West Bengal State Electricity Distribution Company Limited approaches the District Magistrate, Howrah, with the dispute in question. The District Magistrate, Howrah shall hear all the parties and objectors and pass necessary orders in accordance with the rules within a period of three months from the date reference of the matter by the West Bengal State Electricity Distribution Company Ltd. The WBSEDCL will refer the matter within two weeks.

The writ petition being WPA 14222 of 2024 is disposed of.

All parties shall act on the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Shampa Sarkar, J.)