

06.12.2024
Item No.09
RP/PG
Ct. No.8

**M.A.T. 1106 of 2024
With
IA No. CAN 1 of 2024**

**Asit Chatterjee & Anr.
Versus
Tapas Chanda & Ors.**

Mr. Siddhartha Banerjee
Mr. Dipayan Kundufor the appellants

Mr. Lakshminath Bhattacharya....for the
respondent no. 1

Ms. Jyotsna Roy Mukherjee
Ms. Sutanu Chakrabarti.....for the State

Ms. Susmita Chatterjee.....for the WBSEDCL

1. This appeal is directed against an order dated May 21, 2024 passed by a learned Single Judge in W.P.A. 14108 of 2024.
2. The respondent no. 1, a tenant under the appellant no. 1, filed the writ petition praying for a direction upon the Licensing Company to effect electricity connection to the tenanted premises.
3. The respondent no. 1 applied for new electricity connection before the West Bengal State Electricity Distribution Company Limited (for short 'WBSEDCL') and alleges that the landlord has illegally disconnected the supply of electricity to the tenanted premises.
4. The learned Single Judge, by the order impugned, allowed the writ petition by directing WBSEDCL to give independent electricity connection in the name of the

writ petitioner at the premises in question, subject to compliance of all formalities by the writ petitioner/respondent no. 1 herein within the time limit specified in the said order.

5. Mr. Banerjee, learned advocate appearing for the appellants submits that the respondent no. 1 is carrying on illegal activities in the tenanted premises. He further submits that the respondent no. 1 is pelting stones at the premises where the landlords/appellants are residing. He also submits that the appellants have lodged various complaints with the police authorities.
6. The learned advocate appearing for the respondent no. 1 submits that several complaints have also been lodged by the respondent no. 1 against the appellants.
7. Pursuant to the order dated November 20, 2024, Inspector-in-Charge, Joynagar Police Station, Baruipur Police District files the report dated December 1, 2024. After going through the said report, this Court finds that a suit being Title Suit No. 746 of 2023 has been filed by the respondent no. 1 against the appellants and the same is pending before the learned Civil Judge (Junior Division), 3rd Court at Baruipur praying for declaration and injunction.
8. Mr. Banerjee submits that a suit for eviction has also been filed by the appellant no. 1 being Title Suit No. 11 of 2024 before the same Court.

9. The report of the Inspector-in-Charge indicates that several criminal cases are pending.
10. The issue that arises for consideration is whether the order passed by the learned Single Judge calls for any interference.
11. It is not in dispute that the respondent no.1 is an occupier of the premises in question. Section 43 of the Electricity Act, 2003 gives a right to an occupier to have the supply of electricity at the premises or the portion thereof, where he is in occupation.
12. The learned Single Judge rightly noted that even an illegal occupant, who is in settled occupation, is entitled to the benefit of electricity connection.
13. After going through the order passed by the learned Single Judge, this Court finds that the same does not suffer from any infirmity.
14. Taking note of the peculiar facts and circumstances of the case that both the parties have made complaints and counter complaints against each other and criminal cases are pending and investigation in connection with some complaints are still in progress, we direct the investigating agencies to conclude the investigation at the earliest and take all consequential steps thereupon.
15. Bearing in mind the scope of the zone of consideration and the reliefs claimed in the writ petition, we cannot overlook the fact that several

criminal complaints have been lodged by both the parties and they appear to be at loggerheads. Therefore, remaining in the same premises would augment further complaints to be filed and hence, we feel that the moment the suit for eviction has been filed by the landlord, if the same is expedited, it would avoid recurrence of such complaints and counter complaints.

16. In view of the fact that the parties in the civil suit are same and the nature of the suits would suggest that there may be overlapping issues, this Court is of the view that the said suits should be clubbed together and heard analogously. We accordingly, request the learned Civil Judge (Junior Division), 3rd Court at Baruipur to club the aforesaid suits and to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.
17. With the aforesaid observations/directions, the appeal and the connected application are disposed of.
18. There shall be, however, no order as to costs.
19. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)