

12.08.2024
Sl. No. 70
g.b.
Court No.09

WPA 14260 of 2023

Sujit Chakraborty & Ors.
-Vs-
The State of W. B. & Ors.

Mr. Subhrangsu Panda
Mr. Sumitava Chakraborty
.....For the Petitioners
Mr. Debanjan Mukherjee
.....For the CESC Ltd.
Mr. Rajarshi Basu
Mr. Subhendu Sen Gupta
.....For the State
Mr. Srijan Nayak
Mrs. Rituparna Maitra
.....For the K.M.C.

Affidavit of service filed in court is taken on record.

A report has been filed for a direction upon the respondent/CESC Limited to remove the electricity meter which had been installed for supply of electricity to the respondent no.6.

The petitioner claims ownership of the premises through inheritance. The respondent No.6 does not appear despite service.

The CESC Limited submits that an inspection was made prior to grant of connection to the respondent no.6. The respondent no.6 was found to be in occupation of the premises. The respondent no.6 was earlier deriving electric supply from the erstwhile consumer, since deceased. The said consumer, was the father of the writ petitioners. From a document annexed to the writ petition, it appears that the Municipal Law Officer had noted that the respondent no.6 had objected to grant of mutation in the name of one Ranjit Chakraborty and others. Ranjit Chakraborty was admittedly the brother of the petitioner and son of late Balailal Chakraborty. Admittedly, Balailal Chakraborty was the owner of the premises. The

document records that a civil suit is pending with regard to the ownership of the property in question.

Thus, a Mandamus cannot be issued upon the CESC Limited to disconnect the supply and/or to remove the meter from the premises in question.

The writ petition stands disposed of.

The suit shall proceed on its own merit and this order shall not affect the decision of the learned Civil Judge.

All parties are to act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.

(Shampa Sarkar, J.)