

ML 154
13.08.2024
Court. No. 9
GB

W.P.A. 15797 of 2024

Shila Mukherjee

Vs.

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sourojit Dasgupta,
Ms. S. Parveen

...for the Petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today, is taken on record.
2. Despite service, none appears on behalf of the respondent no.3.
3. The respondent no.3 is the owner of the property in which the petitioner claims to be a tenant. The issue is not whether the petitioner is a tenant or is in occupation in any other capacity. As long as the petitioner is found to be in possession of the property in question, the West Bengal State Electricity Distribution Company is required to supply electricity.
4. As none appears on behalf of the respondent no.3, the writ petition is disposed of in the absence of the respondent no.3. The owner cannot deprive any person in settled position of the property from grant of electricity, till there is either an order of eviction from the civil court or any other order from the civil court, restraining such supply.

5. Electricity shall be granted to the petitioner, if upon inspection it is found that the petitioner is in possession of any part of the property in question. Such connection shall be subject to any decision of any competent court, in case of any civil litigation. No equity will be created in favour of the petitioner. This order shall not be a declaration of the status of the petitioner in respect of the property in question. If the petitioner is not found in settled possession, no steps are required to be taken by the authorities. Such connection shall be granted to the petitioner within a month upon compliance of necessary formalities.
6. Accordingly, the writ petition is disposed of.
7. However, there will be no order as to costs.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)