

ML 157
13.08.2024
Court. No. 9
GB

W.P.A. 15855 of 2024

Sib Saday Ray

Vs.

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Ranjit Talukdar

...for the Petitioner.

Ms. Susmita Chatterjee

...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.4.
3. The petitioner claims to be a co-sharer in respect of the premises for which connection has been sought for. The petitioner submits that a suit for partition is pending against the respondent no.4 at the instance of the petitioner.
4. The learned advocate for the West Bengal State Electricity Distribution Company submits that upon inspection it was found that the petitioner is in possession of a part of the property in question and a suit for partition is pending. The authority is willing to grant connection provided the respondent no.4 does not resist.
5. Even if there is a dispute with regard to the property amongst the brothers and a civil suit is pending, a person in occupation is entitled to such connection till

disposal of the suit. The authorities have already found the petitioner to be in possession of the property in question.

6. Under such circumstances, the writ petition is disposed of in the absence of the respondent no.4, who does not appear, despite service. The respondent no.4 cannot deny the connection to the petitioner, if the petitioner is continuing to be in occupation of the premises in question. The West Bengal State Electricity Distribution Company shall grant the connection within a month from the petitioner complying with all formalities. No equity will be created in favour of the petitioner and such connection shall be subject to the decision of the learned civil court.
7. It is made clear that if the respondent no.4 obstructs the authority from conducting its duty and compliance of the order of this Court, police assistance shall be provided to the authority at the cost of the petitioner.
8. Accordingly, the writ petition is disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)