

19.08.2024
Court No.09
Item no.56
CP

W.P.A. No. 16261 of 2024
Adhir Chandra Samanta & Anr.
Versus
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder,
...for the Petitioners.

Ms. Susmita Chatterjee
...for the WBSEDCL.

Mr. Ashis Kumar Paul
Mr. S. S. Bayerd
...for the State-respondents.

Despite service, none appears on behalf of the respondent nos. 7 to 10.

It is submitted that the petitioners and the respondent nos. 7 to 10 are co-sharers. A partition suit is pending. Thus, every co-sharer has a right over every inch of the unpartitioned property. The petitioners cannot remain in darkness for eternity.

The distribution company is ready to grant supply to the said petitioners but is unable to do so due to the resistance of the respondent nos. 7 to 10.

Under such circumstances, the writ petition is disposed of directing the distribution company to grant connection to the petitioners who are also co-sharers in the premises in question, within a month

from the date of compliance of all necessary formalities.

Such connection shall be subject to the final decision in the partition suit and the petitioners cannot claim any equity in respect of such connection.

If necessary, the distribution company shall be granted the help of the police at the cost of the petitioners.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)