

July 8, 2024  
Sl. No.62  
Court No.9  
s.biswas

WPA 16950 of 2024

*Sri Indranil Mukherjee*  
*vs.*  
*West Bengal State Electricity Distribution Company*  
*Limited and others*

Mr. Tanmoy Mukherjee  
Mr. Souvik Das  
Mr. K. R. Ahmed  
Mr. Rudranil Das

... for the petitioner

Ms. Suvasree Ghose

... for the WBSEDCL

Mr. Triptimoy Talukder  
Mr. Shamba Chakraborty  
Mr. Dibyendu Ghosh  
Mr. Abhiraj Tarafdar

... for the respondent nos.5 & 6

1. Elaborate arguments have been put forward by the landlord i.e. the respondent nos.5 and 6 that the petitioner does not have any right to be granted a separate electricity connection by a separate meter.
2. The petitioner on the other hand relies on the tenancy agreement, which indicates that Sujoy Bhaduri/respondent no.4 had inducted the petitioner as a tenant in respect of the part of the premises in question.
3. The petitioner is aggrieved by a communication of the West Bengal State Electricity Distribution Company Limited by which a way leave from the landlord was demanded. This writ petition has been filed primarily alleging that the parties against whom a civil suit has been filed by the petitioner for declaration of his tenancy, can

never ever grant any way leave. Secondly, by an ad interim order of injunction passed by the learned civil court in a suit filed by the petitioner for declaration of tenancy, the defendants have been restrained from dispossessing the petitioner from the premises in question and from disturbing him from running his business.

4. The ad interim order passed by the learned civil court in Title Suit No.190 of 2024 dated February 27, 2024 provides sufficient reasons as to why the court deemed it fit to grant the said order. The submission of the petitioner has been recorded which indicates that the amenities which the petitioner was enjoying in the premises, was sought to be interfered with by the landlord.
5. The learned advocate for the landlord submits that Sujoy Bhaduri did not have any right to induct a tenant. The property was bequeathed to the respondent no.6 and a probate proceeding is pending.
6. It is further contended that by claiming a separate electric connection by a separate meter, the petitioner was trying to occupy the premises in question, when he was not in possession thereof.
7. The disputed questions of fact which have arisen before this court cannot be adjudicated in a writ

proceeding. The writ court is not required to ascertain whether Sujoy Bhaduri had any right to induct the tenant in respect of the property in question. Sujoy Bhaduri is the son of Susanta Kumar Bhaduri, the original owner. Whether by virtue of Susanta Kumar Bhaduri's will, Parijat Bhaduri was the sole owner of property is also a question which cannot be decided by the writ court. The probate proceedings are pending at the instance of Parijat Bhaduri. Probate has not yet been granted. Thus, the issues raised by the responded Nos.5 and 6 are not relevant for the purpose of disposing of this writ petition.

8. It is also well-settled that any person in occupation of any property is entitled to electric connection, upon compliance of all other formalities.
9. Petitioner has relied on several documents including trade licence, enlistment certificates, provisional tax receipts, rent receipts, etc. which indicate that the petitioner is in possession of the property in question.
10. It is the specific case of the petitioner that he is running a shop from the premises in question. Thus, all that the electricity distribution company is required to do is to make an inspection in the presence of all the parties to find out if the

petitioner is in possession of the property. If the petitioner is in possession of the property, connection should be supplied to the petitioner, in accordance with law. Such connection shall be subject to all other suits and litigations pending between the parties. Such connection shall not create any equity in favour of the petitioner and the petitioner cannot claim any preferential right in respect of the premises in question by virtue of such connection. If the petitioner is found not in possession, the authority shall intimate its decision to the petitioner.

11. If the electricity authority deems it necessary, assistance of police authorities may be sought at the cost of the petitioner. The application under section 151 filed by the petitioner in title suit, shall be withdrawn by the petitioner on the next date. The impugned memorandum dated 27<sup>th</sup> June, 2024 is quashed. The entire exercise shall be completed within three months from the date communication of this order.

12. The writ petition stands disposed of accordingly.

13. All the parties are directed to act on the basis of the server copy of the order.

**(Shampa Sarkar, J.)**