

September 30, 2024
Sl. No.308
Court No.9
s.biswas

WPA 17024 of 2024

Fajlullah Khan
vs.
The CESC Limited and others

Mr. Indranil Halder

... for the petitioner

Mr. Debanjan Mukherjee

... for the CESC

Mr. Subir Ahmed

Mr. Indradeep Das

Mr. Dhiman Banerjee

... for the respondent nos.4 & 5

1. As none appears on behalf of the CESC authorities, Mr. Debanjan Mukherjee is requested to appear on behalf of the CESC. The appearance of Mr. Mukherjee be regularized.
2. The petitioner prays for grant of new connection. The petitioner claims to have complied with all the formalities. The respondent nos.4 and 5 objected to such connection. As a result of which, the supply could not be granted.
3. Learned advocate for the respondent nos.4 and 5 have filed a communication made by the Sub-Assistant Engineer, Maheshtala Municipality to the Inspector-in-Charge, Maheshtala Municipality dated July 9, 2021. According to the information from the municipality, the police authorities were requested to take steps against an illegal construction of the petitioner. The CESC authorities are of the view that unless a communication is received from the municipality,

either in favour of the construction or against the construction, the matter cannot be processed.

4. Under such circumstances, the writ petition is disposed of with the direction upon the District Engineer, CESC Limited, South West Regional Office to treat the writ petition as representation of the petitioner and dispose of the same, in accordance with law, upon hearing the petitioner, the respondent nos.4 and 5 and the representative of the municipality. The decision will be taken and a reasoned order will be passed. The decision shall be communicated within a period of two months from the date of communication of this order.
5. This court has not gone into the allegations and counter-allegations and all points are left open to be decided.
6. The communication furnished in court is taken on record.
7. Accordingly, the writ petition is disposed of.
8. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)