

June 24, 2024
Sl. No.11
Court No.9
s.biswas

WPA 16933 of 2023

Sm. Jharna Rani Paul (Mondal)
vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. D. K. Samanta
Mr. Biswapriya Samanta

... for the petitioner

Mr. Debanjan Mukherjee

... for the WBSEDCL

1. This court does not find any reason to grant the reliefs prayed for. The petitioner seeks an order of injunction upon the WBSEDCL by restraining the company from granting new connection in favour of the respondent no.5. Such prayer cannot be allowed.
2. The prayer contends that a partition suit being Title Suit No.462 of 2022 is pending before the learned Civil Judge (Senior Division), 1st Court at Barasat and grant of connection would prejudice the suit.
3. This court does not agree with such contention of the petitioner. Everybody has a right to enjoy electricity in accordance with law. Thus, no injunction can be passed upon the distribution company restraining the company from granting new connection to any proposed consumer. Grant of new connection and/or actions taken by the distribution company in this regard, shall always

abide by the ultimate result of the suit. The property is allegedly a joint property of which the respondent no.5 is a co-sharer. Every co-sharer has a right to enjoy the property, till the partition is effected by metes and bounds. Such supply of electric connection, shall not in any way prejudice the suit.

4. The prayers in the writ petition are thus not entertained.
5. All parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)