

Item No.10
19.08.2024
Court. No. 9
GB

W.P.A. 19135 of 2024

Sk. Rafikul Hossain

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Ms. Madhumita Patra

...for the Petitioner.

Mr. Debanjan Mukherjee

...for the WBSEDCL.

Mr. Pronojit Roy,

Mr. Arindom Bit

...for the Respondent No.6.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner contends that the West Bengal State Electricity Distribution Company Limited failed and neglected to grant new connection to the petitioner's premises.
3. The learned advocate for the distribution company submits that on receipt of the application of the petitioner and after the petitioner deposited the quotation money, new service connection was sought to be effected. A pole was constructed. A proceeding under Section 144(2) of the Code of Criminal Procedure had been initiated by another party, being M.P. Case No.55 of 2024. Thus, the overhead lines could not be drawn. Thereafter, the M.P. case was dismissed. The authorities once again tried to draw such overhead lines, when they were resisted by the respondent no.6.

4. The learned advocate for the respondent no.6 submits that the overhead lines were sought to be taken through the land of the respondent no.6.
5. The petitioner denies such allegation and submits that the lines are to be drawn through a common passage and the said passage is between the land of the petitioner and another person.
6. As issues have been raised with regard to drawal of line through an alleged private land and/or a common passage used by the persons living in and around the said passage, the matter has to be decided by the District Magistrate, Hooghly under the Works of Licensees Rules. The distribution company shall refer the matter along with a copy of this writ petition and a server copy of this order to the District Magistrate, Hooghly, within 10 days from date and the District Magistrate, Hooghly shall take necessary action and pass necessary orders upon hearing the parties and upon causing an inspection through an authorized representative with regard to the allegations and counter-allegations. Necessary order shall be passed as to whether the service connection can be granted to the petitioner through the alleged passage or not, or through an alternative route.
7. The entire exercise shall be completed within a period of three months from receipt of the documents from

the West Bengal State Electricity Distribution Company Limited.

8. Accordingly, the writ petition is disposed of.
9. However, there will be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)