

August 19, 2024
Sl. No.15
Court No.9
s.biswas

WPA 19347 of 2024

Ranjit Mallick

vs.

The Calcutta Electricity Supply Corporation and others

Mr. Sandip Ghosh

Mr. Partha Sarkar

... for the petitioner

Mr. Debanjan Mukherjee

... for the CESC

Mr. Arijit Chatterjee

Ms. Susmita Mukherjee

... for the respondent nos.5 to 9

1. The dispute is with regard to the grant of new connection to the petitioner. The petitioner claims to be a tenant and has filed a civil suit for declaration of tenancy.
2. The learned advocate for the respondent nos.5 to 9, who claim to be owners of the property, submits that the petitioner was the caretaker's son. The petitioner does not have any right to take new connection in the premises in question.
3. It is also submitted that the petitioner has been enjoying connection from the supply granted to the owners. The learned advocate submits that the respondent nos.5 to 9 are aggrieved by the order of the ombudsman which was passed ex parte and they wish to file a writ petition in future.
4. Mr. Mukherjee, learned advocate for the CESC, submits that the authority had taken steps to

grant connection, but serious resistance was posed by the respondent nos.5 to 9.

5. I agree that the ombudsman should not have passed any ex parte order. Thus, all the observations with regard to status of the petitioner as tenant in respect of the property, if made by the ombudsman, are set aside.
6. The question remains whether the occupier should be granted connection or not, even if the respondent Nos.5 to 9, treat him as a illegal occupant or a trespasser. The petitioner has already approached the civil court for declaration of his status as a tenant and he is also enjoying an order of injunction.
7. The landlords have adequate opportunity to seek eviction of the petitioner in accordance with law and initiate necessary proceedings available to them. However, once the authorities found the petitioner to be in possession, irrespective of whether his possession is legal or illegal, he is entitled to connection. It is observed that the petitioner shall neither be treated as a tenant nor a person in legal occupation. This issue shall be decided in the suit.
8. It is made clear that such connection shall not create equity in favour of the petitioner and the petitioner cannot claim that grant of such

connection had created any right upon him to remain in the property. The connection shall be subject to the suit which is pending and to any other proceeding which may be initiated by the respondent nos.5 to 9.

9. With the above observations, the writ petition stands disposed of. The connection shall be given to the petitioner within a month, without prejudice to the rights and contentions of the parties in the proceedings which are pending or any proceeding which may be initiated by the owners. The electricity connection shall be given to the portion occupied by the petitioner. The said area, shall be identified by the petitioner, however the meter will be installed in the common meter board position.
10. The writ petition stands disposed of accordingly.
11. All the parties shall act on the basis of the server copy of the order.

(Shampa Sarkar, J.)