

15-07-2024
Item No.
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.19069 of 2023
Kaustuv Roy

-vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Sahabuddin Laskar
Ms. Sayuani Manna ...for the petitioner

Mr. Asif Dewan ...for WBSEDCL

Mr. A.A. Gayen ...for the private respondent

The writ petition is disposed of by a direction upon the West Bengal State Electricity Distribution Company Limited to effect electric connection to the petitioner's premises in accordance with law and upon compliance of all formalities, including payment of costs.

It is stated that Sumit Roy had been restraining the WBSEDCL from effecting such connection as he does not want an electric pole to be affixed on the land in question.

Learned advocate for Sumit Roy submits that the property is undivided and both the petitioner and Sumit Roy are co-sharers.

It is well settled that every co-sharer has a right to every inch of an undivided property. Thus, neither can the petitioner nor Sumit Roy be deprived of their electric connection.

However, such connection given to the parties will be subject to the ultimate decision either in a partition suits or any other civil litigation, in respect of the shares of the co-sharers.

The issue of grant of connection to Sumit Roy shall be decided upon hearing both the parties and if it is found that Sumit Roy is in possession of any property, which is not the subject matter of a demolition order, electricity connection shall be given upon compliance of necessary formalities. Such connection shall also be given subject to any order or further litigation between the parties.

Certified copy of this order, if applied for, shall be made available to the parties.

[Shampa Sarkar, J]

