

Item No.30
19.08.2024
Court. No. 9
GB

W.P.A. 19840 of 2024

Sajahan Gazi

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

*Mr. Debashis Banerjee,
Mr. Rakesh Jana*

...for the Petitioner.

Mr. Sumit Ray

...for the WBSEDCL.

*Mr. Pushnendu Halder,
Mr. Abhirup Halder*

...for the Respondent No.5.

1. The petitioner contends that the West Bengal State Electricity Distribution Company Limited has failed to supply electricity to the petitioner, although the petitioner complied with necessary formalities.
2. Mr. Ray, learned advocate for the distribution company submits that two attempts were made to draw electric connection through a common passage, but the authorities were restrained by the respondent nos.4 to 7.
3. The respondent no.5 contends that the said passage belongs to the said respondent and the petitioner did not have any right to draw any connection through the said land.
4. According to the petitioner, the said road is being used by the petitioner since long. The access to their house is through the said road. Thus, the petitioner disputes the contention of the respondent no.5. It is further

contended that the original owner had sold the property along with the right to use the said passage.

5. As there is a dispute with regard to title and access to the petitioner's land, this writ petition is disposed of with a direction upon the Station Manager, Magrahat Customer Care Centre to refer the dispute to the District Magistrate, South 24 Parganas and the District Magistrate shall pass necessary order upon hearing the parties under the Works of Licensees Rules.
6. The District Magistrate shall cause an inspection through a representative, with the help of the Block Land and Land Reforms Officer of the concerned block, in presence of all the parties, including the distribution company. The inspection shall be held to ascertain and identify whether any passage exists in and around the properties of the petitioner and the respondent nos.4 to 7, through which the supply line can be drawn without affecting the right, title and interest of any particular party. The parties shall produce their deeds and adduce evidence including oral deposition of neighbours and the panchayat authorities, to substantiate their respective claims. Whether the villagers in general have been using the passage irrespective of the right, title and interest of the respondent nos.4 to 7 or whether the same is within the exclusive use of the said respondents who

claim title in respect thereof, shall be decided.

Whether any other connection has been drawn through the said passage shall also be ascertained.

After the entire exercise is over and evidence is recorded, a final order shall be passed by the District Magistrate which shall be served upon the parties.

7. The entire exercise shall be completed within a period of four months from receipt of the records from the distribution company. The distribution company shall refer the matter within ten days from date.
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.)