

August 19, 2024
Sl. No.34
Court No.9
s.biswas

WPA 20092 of 2024

Narayan Jana and others
vs.
The State of West Bengal and others

Mr. Amit Baran Dash
Ms. Ankana Sarkar

... for the petitioners

Mr. Ansar Mondal
Mr. Akash Dutta

... for the State

Mr. Asif Dewan

... for the WBSEDCL

Mr. Samiran Giri

... for the respondent nos.5 to 8

1. Several rounds of litigations have ultimately resulted in non-supply of electricity to the petitioners. This court is not inclined to consider the rival contentions which were raised by the parties in the earlier rounds of litigation. The question is whether the petitioner should be granted electricity or not. Admittedly, there is no order of injunction restraining supply of electricity to the petitioners, although the suit is pending.
2. The learned advocate for the respondent nos.5 to 8 submits that the proposed connection to the petitioners were sought to be drawn through the land of the said respondents. Such drawal of line was not permitted.
3. The learned advocate for the electricity distribution company submits that the plot through which the connection was sought to be

drawn by the distribution company belonged to the petitioners as also the respondent nos.5 to 8. Thus, this court finds that the dispute is with regard to the title over the land through which the connection is to be drawn.

4. It is informed to the court that one PCC pole has already been installed for the purpose of granting connection and due to the objection raised by the respondent nos.5 to 8 four households are without electricity.
5. This court is of the view that the matter can be decided by the District Magistrate, Purba Medinipur in terms of the Works of Licensees Rules. The writ petition along with the server copy of the order shall be referred to the District Magistrate, Purba Medinipur by the Station Manager, Bhagawanpur Customer Care Centre within 10 days from date and the District Magistrate, Purba Medinipur shall cause an inspection through a representative. The Block Land and Land Reforms Officer, the Distribution Company and the parties will be present during such inspection. The route which was being proposed shall be identified and demarcated. Upon hearing all the parties necessary orders will be passed. If possible, the existence of an alternative route shall also be explored and the

respondent nos.5 to 8 will point out the alternative route which they propose. The entire action shall be taken by the District Magistrate, Purba Medinipur by passing a reasoned order within three months from the date of receipt of the records.

6. The writ petition stands disposed of accordingly.
7. All the parties shall act on the basis of the server copy of the order.

(Shampa Sarkar, J.)