

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**11
13.11.2024
Court No. 14
AGM**

WPA 20850 of 2024

Biswajit Karmakar

vs.

**The Station Manager & Assistant Engineer
Lakshmikantapur Group Electric Supply & Ors.**

Mr. Lakshminath Bhattacharya.

... For the Petitioner.

Mr. Shahan Shah.

Mr. Soumen Barman.

... For the respondent no. 8.

Mr. Soumyajit Chakraborty.

... For WBSEDCL.

Mr. Srinath Singha.

Ms. Parna Roy Chowdhury.

... For the State.

1. Affidavit-of-service filed in Court today be kept with the records.
2. The petitioner is aggrieved by the order passed by the District Magistrate, South 24 Parganas on 19th September, 2023 by directing the Divisional Engineer and Station Manager to give connection to the private respondent through the proposed route used by him for ingress and egress to his house.

3. It appears from the order passed by the District Magistrate that the issue was considered threadbare and the authority was of the opinion that the same is the only feasible route as per report of the official of WBSEDCL.
4. The alternate route proposed by the petitioner is not feasible keeping in mind the general safety requirements under the Indian Electricity Rules, 1956.
5. The District Magistrate has recorded that drawing of overhead line or granting connection to the private respondent will neither create any new right nor extinguish or abridge any existing right of the private respondent over such passage.
6. The Inspector-in-Charge, Mandirbazar Police Station has been directed to ensure that there is no breach of peace in the locale while the officials of WBSEDCL carry out the work to grant electric connection to the private respondent.
7. The petitioner insists that the land over which the overhead wires will be drawn and the pole will be erected is the private land of the petitioner and he is not willing to let WBSEDCL to install the pole and draw the electric wire over the same.
8. The Court has considered the submission made on behalf of the petitioner.

9. It appears that a Title Suit in between the private parties in respect of the subject land is pending consideration before the learned Civil Court.
10. WBSUEDCL has come to a conclusive finding that the private respondent is using the passage for more than fifty years. There is no reason as to why the said passage may not be used for drawing overhead electric lines and for installation of pole for grant of electric connection.
11. An essential commodity ought not to be resisted to be enjoyed by the private respondent.
12. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.
13. The petitioner seeks compensation on account of use of his land for erecting the pole.
14. It will be open for the petitioner to apply before the competent authority seeking compensation in accordance with law, if so advised.
15. The writ petition stands **disposed of**.
16. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)