

18.01.2024

Sl no. 32

Ct no. 2

P.M.

WPA 21257 OF 2023

Kishor Manna

- Vs -

The State of West Bengal & Ors.

Mr. Mahfuzus Salam Mollah

... for the petitioner

Mr. Srijan Nayak,

Ms. Rituparna Maitra

... for the WBSEDCL.

Mr. Udaynarayan Betal

... for respondent No. 6.

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by deprivation of electricity from existing connection due to damage of the existing cable from which petitioner was getting electricity for the last 15-20 years.

The case of the respondent electricity authority is that due to obstruction by the private respondent it is not able to repair the electric cable and restore the electricity which is an essential service.

Learned Counsel for the private respondent opposes the aforesaid relief of the petitioner on the ground that the cable which has been damaged through which petitioner was getting electricity is over his building which is admittedly above 3 ft.

Learned advocate appearing for the private respondent submits that he has made several

objection to the electricity authority to consider the shifting of the said cable.

Considering the facts and circumstances of this case and submission of the parties and in view of the fact that petitioner was enjoying electricity for the last 15-20 years for the said electricity cable and since electricity is an essential service this writ petition being WPA 21257 of 2023 is disposed of by directing the respondent Electricity authority to take steps for repairing the necessary damage of the existing cable and restore electricity within a week and if the electricity authority faces any obstruction by the private respondent it will be entitled to take police help from the local Police Station subject to compliance of any other formalities including payment of cost.

This order will not be a bar on the part of the respondent electricity authority to consider, if any application of the private respondent is pending before the electricity authority in accordance with law and by passing a reasoned and speaking order and after giving opportunity of hearing to the petitioner.

(Md. Nizamuddin, J.)