

September 9, 2024
Sl. No.A 22
Court No.9
s.biswas

WPA 22223 of 2024

Purnendu Chatterjee

vs.

The State of West Bengal and others

Mr. Pintu Karar

Mr. Sabab Uddin Laskar

Mr. Sourav Roy

... for the petitioner

Ms. Jayeeta Sinha

Mr. Ranjit Rajak

... for the State

Mr. Debjit Mukherjee

... for the WBSEDCL

1. Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent no.6.
2. The respondent no.6 had filed a writ petition being WPA 14197 of 2024, praying for supply of electricity. The petitioner allegedly was not a party to the proceeding. The writ petition was disposed of on August 12, 2024, directing the electricity distribution authority to supply connection to the respondent no.6. Accordingly, the distribution company attempted to grant supply. When the distribution company tried to execute the work, the petitioner resisted on the ground that the connection was sought to be given through the land of the petitioner. Hence, the writ petition has been filed by the petitioner alleging illegal action on the part of the distribution company.

3. It is contended by the petitioner that there is an existing connection in the name of the respondent no.6 and the new connection cannot be granted through the land of the petitioner. There is an alternative route.
4. Learned advocate for the WBSEDCL submits that supply of electricity was being granted on the direction of the court.
5. It is submitted by the petitioner that the boundary wall, along which the connection was to be given, belongs to the petitioner and the respondent no.6 was trying to establish his right over the property of the petitioner.
6. The petitioner contends that the respondent no.6 already has an existing connection from the existing pole and the connection can be given in the same manner. Such disputed questions have to be decided upon inspection by the authority, in the presence of the parties.
7. The writ petition is disposed of with a direction upon the Station Manager, Amta Customer Care Centre to enquire into the possibility of granting connection from the existing pole, by which connection was given earlier to the respondent no.6. If such possibility is not available, the matter shall be referred to the District Magistrate, Howrah, for a decision under the West Bengal

Works of Licensees Rules, 2006. The District Magistrate, Howrah shall cause an inspection of the site by an authorized officer and with the help of the concerned Block Land and Land Reforms Officer for necessary demarcation of the property of the petitioner and the available route. The District Magistrate will pass a reasoned order, upon hearing all the parties. The inspection shall be held in the presence of the petitioner and the respondent no.6.

8. The WBSEDCL shall take steps on the basis of this order, within a period of three weeks from date. In case the matter is referred to the District Magistrate, Howrah, the District Magistrate will conclude the entire proceedings, by passing a reasoned order within a period of three months from the receipt of the records.
9. The writ petition is accordingly disposed of.
10. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)