

15
19.11.2024
Ct. 14
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 22655 of 2024

**Reba Rani Ghosh
-versus
WBSEDCL & Ors.**

**Mr. Soumik Ganguly.
...For the Petitioner.**

**Mr. Asif Dewan.
...For WBSEDCL.**

**Mr. K. J. Yusuf.
Mrs. Rupsha Chakraborty.
... For the State.**

**Mr. Nemai Chandra Betal.
Mr. Suresh Kumar Sahoo.
... For the Private respondent nos. 5 and 6.**

1. Due to the objection raised by the private respondents, the petitioner is unable to get electric connection as the place from where the wire will be drawn is allegedly the private passage of the private respondents.
2. Specific stand of the private respondents is that the electric pole may not be installed over their private land.
3. According to Rule 3 of the Works of Licensees Rules, 2006, the District Magistrate is the competent authority to decide the issue.
4. In view of the above, the District Magistrate is directed to invoke the provision of Rule 3 of the Works of Licensees Rules, 2006 and to resolve the impasse that has been created.

5. The parties shall keep in mind that electricity is an essential commodity and the petitioner should not be deprived from enjoying the same.
6. A decision shall be taken by the District Magistrate at the earliest but positively within a period of eight weeks from the date of communication of this order.
7. It will be open for the District Magistrate to take the assistance of the concerned Block Land and Land Reforms Officer to find out an alternate route for drawing the electric wire and if the same is not available then to direct the Distribution Company to provide electricity to the petitioner over the private land of the private respondents and decide upon the compensation or annual rent or both in accordance with the subject Rules.
8. Affidavit-of-service filed in Court today be kept with the records.
9. Report forwarded by the SI of police OC Beliatore PS dated 17th November, 2024 be retained with the records.
10. The writ petition stands disposed of.
11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)