

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

08. 11. 2024

BP
Sl. 26
Court No. 14

WPA 22712 of 2024

Kalyan Chandra Koley
Vs.
The State of West Bengal & Ors.

Mr. Altaf Hossain
Mr. Sk. Humayan Reza
..for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
..for WBSEDCL

Mr. S.P. Lahiri
Mr. Uday Narayan Betal
..for the State

Mr. Suhrid Sur
..for the respondent nos.5 to 7

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner seeks a direction upon WBSEDCL to shift the electric line providing electricity connection to the private respondents as the same is nearly touching the wall of the petitioner's structure. It has been submitted that serious accident may take place in case of any leakage from the electric wire. A representation was filed before the Station Manager and thereafter before the Ombudsman. The petitioner also approached the Court of the learned Executive Magistrate under Section 144(2) Cr.P.C. but no relief was granted.

3. Learned advocate representing the private respondents submits, upon instruction that, there is a civil suit pending in between the petitioner and the private respondents in respect of the passage through which the electricity line has been drawn. The petitioner constructed his building in an unauthorised manner.

4. Learned advocate representing the Distribution Company Limited submits, upon instruction that, the electricity connection was given to the private respondents prior to the construction being raised by the petitioner. The petitioner ought to have maintained the safe distance from the electricity wire which the petitioner failed to do.

5. Upon hearing the parties and keeping in view the safety concern of the occupants and the passerby of the subject passage the Court thinks it fit to direct the Station Manager to conduct a spot inspection with prior notice to all the necessary parties to ascertain as to whether there is any possibility of shifting the overhead electric wires to minimise the chances of any accident by way of electrocution. If the shifting is feasible, the same shall be made at the cost to be borne by the petitioner.

5. It is made clear that the shifting will not create any right or equity in favour of any of the parties.

6. Steps shall be taken in the matter at the earliest but

positively within a period of eight weeks from the date of communication of this order. The prayer of the petitioner shall be finally disposed of within a period of twelve weeks from the date of communication of this order.

7. The writ petition stands disposed of.

8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

