

19th March,
2024
(AK)
07

W.P.A 22171 of 2023

Ashok Kumar Maity
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Kalipada Chakraborty
...for the petitioner.

Mr. Debanjan Mukherji
...for the WBSEDCL.

Mr. Nirmalendu Patra
Mr. Debnarayan Patra
...for the respondent no.10.

1. Learned counsel for the petitioner contends that in pursuance of a direction of this court, the District Magistrate resolved the issue between the petitioner and the private respondent no.10 inasmuch as the private respondent no.10 seeks to get an electricity connection over the plot of the petitioner.
2. It is argued that although the District Magistrate recorded that the electricity connection was demanded by the present writ petitioner to be along the “middle line” of plot no.1249/1921, to which the private respondent agreed, the said consent was never given by the writ petitioner.
3. Learned counsel for the WBSEDCL contends that in view of the order of the District Magistrate, there

cannot be any impediment to comply with the same.

4. Learned counsel for the private respondent no.10 seeks to rely on a document which not a part of the record; hence it is not looked into.
5. The plinth of the present challenge is that the petitioner's consent/demand was wrongly recorded by the District Magistrate to the effect that the electric connection should be taken along the "middle line" of plot no.1249/1921.
6. However, it is too well-settled to be reiterated that if a litigant has an objection as to what transpired before a particular court or forum and the said events were wrongly recorded, the remedy before the litigant is to move the same forum/court which recorded such consent/observed about such events and not to prefer a challenge before a higher authority.
7. In the present case, the remedy sought by the petitioner by way of a writ petition is illusory, since this court is not sitting in appeal over the said order or is not in a position to appreciate whether actually such demand was made by the petitioner before the concerned District Magistrate.
8. Accordingly, WPA 22171 of 2023 is disposed of without interfering with the impugned order dated August 18, 2023 but granting liberty to the

petitioner to approach the District Magistrate, Purba Medinipur in the event the petitioner has any grievance as to the recording of his demand in the order dated August 18, 2023 by the District Magistrate with regard to the electric connection being taken along the middle line of plot no.1249/1921.

9. If such an approach is made, the District Magistrate shall give opportunity of hearing to all concerned and decide the said question within a fortnight from the date of such application being made by the petitioner.
10. It is made clear that the writ petitioner shall have to make such application within a week from date. If such an application is made within a week, the rest of the directions above shall follow.
11. The WBSEDCL shall hold its hands from giving electricity connection to the private respondent no.10 for three weeks from date.
12. In the event the petitioner fails to obtain any order of the District Magistrate within the said three weeks, the WBSEDCL shall give connection to the private respondent no.10 in terms of the order impugned herein, subject of course to the outcome of the adjudication by the District Magistrate as directed above.

13. If necessary, the WBSEDCL shall be at liberty to approach the local police authorities who will grant assistance in that regard at the cost of the private respondent no.10.
14. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)