

12.11.2024

Sl. 40

Ct.No. 14

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23045 of 2024

Rajesh Sheikh

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas

Md. Mojnu Sk

...for the petitioner

Mr. Sankar Banerjee

...for the WBSEDCL

Mr. Partha Sarathi Sensharma

...for the State

1. Affidavit of service filed by the petitioners is taken on record.

2. The petitioner is not being granted electricity connection on the ground that a civil suit in respect of the subject property is pending consideration before the learned Additional District Judge, Kalna, Purba Bardhaman in Misc. Appeal no. 02/2022.

3. The petitioner asserts that he is in possession of the structure where electricity connection has been sought for. The electricity connection is being objected to by his neighbour.

4. This Court has not been made aware of any order restraining grant of electricity connection to the petitioner.

5. The order that has been brought to the notice of this Court is an order of status quo in respect of the suit property till disposal of the ad-interim injunction petition.

6. As the petitioner claims to be in occupation of the subject property, he ought not to be deprived of enjoying electricity which an essential commodity.

7. Accordingly, the distribution company limited is directed to proceed with the petitioner's prayer for grant of electricity connection at the earliest in the matter, but positively with a period of eight weeks from the date of communication of this order.

8. It is made clear that the supply of electricity will not create any right or equity in favour of the petitioner and the civil rights of the respective parties will be decided by the competent civil court.

9. It will be open for the Distribution Company Limited to seek

police assistance at the time of grant of supply to the petitioner upon payment of costs by the petitioner. The supply will be effected subject to compliance of all necessary formalities.

10. The writ petition stands disposed of.

11. All parties are to act in terms of the copy of this order downloaded from the official website of this court.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after observing all legal formalities.

(Amrita Sinha,J.)