

Item No.2
07.10.2024
Court. No. 9
GB

W.P.A. 23798 of 2024

Manoj Kumar Halder

Vs.

The Calcutta Electric Supply Corporation
Limited & Ors.

Mr. Indranil Halder,
Mr. Sailen Naskar

...for the Petitioner.

Mr. Debanjan Mukherjee

...for the CESC.

Mr. Malay Singh,
Ms. Neelam Singh

...for the State.

Mr. Amitabha Ghosh,
Mr. Ashis Santra,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar

...for the Respondent No.5

1. Mr. Amitabha Ghosh, learned advocate appears on behalf of the respondent no.5. The respondent no.5 claims to be the erstwhile owner of the premises in question. According to Mr. Ghosh, the land was wrongly acquired by the State. The land is still vacant. A proceeding challenging such acquisition is pending in the form a title suit.
2. Be that as it may, the land has vested in the state. The petitioner claims to be in possession. The right, title and interest of the respondent no.5 has not yet been decided and the respondent no.5 has no locus to object to any connection that may be granted to the petitioner, in accordance with law, upon compliance of all formalities.
3. The only issue here is whether the petitioner is in possession of any part of the premises in question. If the inspection by the CESC reveals that the petitioner is

in possession of any part of the premises in question, new connection shall be granted in accordance with the usual procedure. CESC has already rejected the prayer of the petitioner for grant of a new service connection. Nevertheless, the petitioner is entitled to a supply from the same meter board position.

4. Under such circumstances, the writ petition is disposed of with a direction upon the CESC Limited to cause an inspection of the premises in question, in the presence of all the parties, in order to ascertain whether the petitioner is in physical possession over any part of the premises or not. Police help shall be provided at the cost of the petitioner. If the petitioner is operating out of a shop room situated in the premises in question, new connection shall be granted to the petitioner from the existing meter board position, upon compliance of all other formalities. If the respondent no.5 objects, then the police authorities shall render adequate assistance.
5. The entire exercise shall be completed within a period of three months from the date of communication of this order. The connection will not create any equity in favour of the petitioner and will be subject to the outcome of any civil litigation.
6. Accordingly, the writ petition is disposed of.
7. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)