

D/L.5.
April 8, 2024.
MNS.

WPA No. 23705 of 2023

Sikha Malik
Vs.
The State of West Bengal and others

Mr. Md. Younush Mondal

... for the petitioner.

Mr. Samit Kumar Mondal,
Mr. Debangshu Dinda

...for the State.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Mr. Arijit Sarkar,
Ms. Jui Seal

...for the private respondent.

1. Learned counsel for the petitioner submits that the petitioner has sought a new electricity service connection, which is not being given by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) due to resistance by the private respondent.
2. Learned counsel appearing for the WBSEDCL insists that due to such resistance, the connection could not be given.
3. Learned counsel for the private respondent submits that the private respondent has initiated a suit for eviction of licensee against the petitioner. In the said suit, the private

respondent/plaintiff has obtained an order of injunction, *inter alia*, restraining the petitioner from changing the nature and character of the property as well as from disturbing the private respondent's possession.

4. It is, hence, evident that by filing an eviction suit, the private respondent has implicitly admitted that the petitioner is in occupation of the property.
5. It is well settled in law that irrespective of the legality of such occupation, a person in settled occupation of a property is entitled to independent electricity connection.
6. Since the petitioner and the private respondent are at loggerheads due to pendency of the litigation, it cannot also be said that the petitioner and the private respondent are in collusion in seeking such separate electricity connection.
7. Thus, I do not find any impediment for the petitioner to get an electricity service connection as applied for.
8. Accordingly, WPA. No. 23705 of 2023 is allowed on contest, thereby directing the WBSEDCL to give a new electricity service connection to the petitioner at the subject premises, subject to compliance of all

formalities by the petitioner, positively within a fortnight from such compliance.

9. It is made clear that such new electricity service connection, as and when given, shall not create any special right or equity in favour of the petitioner, which the petitioner otherwise does not have in law, nor shall it prejudice the rights and contentions of the private parties in the pending litigation.

10. In the event any obstruction is raised while giving such connection, the WBSEDCL personnel shall approach the respondent no. 4, that is, the Officer-in-Charge, Bishnupur Police Station, who, acting on a server copy of this order, shall grant adequate police assistance to the WBSEDCL personnel at the cost of the petitioner and for such purpose, if necessary, remove any padlock or other hindrance.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)