

D/L. 11.  
January 31, 2024.  
MNS.

WPA No. 24636 of 2023

Alokananda Basu Thakur  
Vs.  
District Engineer, Southern District, CESC  
Limited and others

Mr. Soumyajit Ghosal,  
Mr. A. K. Chatterjee

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the CESC Limited.

Mr. Saikat Chatterjee,  
Mr. Manoj Kumar Mondal

...for the State.

Mr. Jewel Chanda

...for the private respondent.

1. The writ petitioner claims to be a co-owner in respect of the property.
2. It is argued that by mutual arrangement with the private respondent, the petitioner is enjoying first floor of the premises. The private respondent, according to the petitioner, is putting up hindrance whenever the CESC Limited personnel go to inspect the meter room, for which average bills are being raised by the CESC Limited.

3. At present, the entire service connection along with the other meters are sought to be shifted from the existing meter board position within the portion of the private respondent, which the private respondent is resisting.
4. Learned counsel for the CESC Limited submits that the CESC Limited has no laches in the matter and they attempted to have access to the existing meter room. However, the same is situated within the dining space of the private respondent.
5. Learned counsel for the private respondent controverts the allegations made in the writ petition and submits that the petitioner has never been the co-owner of the property. The property is the ancestral house of the private respondent and the private respondent only sold the first floor and the staircase leading to the same to the petitioner.
6. It is submitted that the private respondent otherwise has no intention to obstruct the CESC Limited personnel from having access to the meter room. However, it is alleged that the petitioner, taking advantage of the absence of the private respondent, has inducted third parties to the petitioner's portion of the property, which is giving rise to the present issues. The electricity meter was

forcibly installed within the portion of the private respondent, according to the private respondent, by such third parties with the help of the petitioner.

7. Be that as it may, admittedly the petitioner is in occupation of the first floor of the premises and has a right to get electricity connection. The present scenario demands that the electricity meters situated at the premises along with the service connection be shifted from outside the private space of the private respondent to a common meter board position in order to relieve the private respondent of the burden of invasion of his privacy.
8. It has been submitted by the CESC Limited that all the owners of the meters at the meter room have agreed to such shifting and there is no impediment otherwise to do so.
9. In such view of the matter, WPA No. 24636 of 2023 is disposed of by directing the CESC Limited to have the existing electricity meters at the premises-in-question along with the service connection shifted from the private portion of the private respondent to a common meter board position, subject to compliance of all formalities in that regard by the existing meter holders.

10. In the event, any hindrance is offered by the private respondent and his men and agents in doing so, it will be open to the CESC Limited personnel to approach the respondent no. 2, that is, the Officer-in-Charge, Garfa Police Station, for adequate police assistance, who will assist the CESC Limited personnel in so shifting at the cost of the present petitioner by acting on a server copy of this order.

11. In the event any padlock or hindrance is put up to resist the personnel of the CESC Limited, it will be open to the police authorities to break open the padlock and remove other hindrances for the limited purpose of following the direction as given above.

12. It is made clear that nothing in this order shall create any special right or equity in favour of the petitioner or the private respondent which they otherwise do not have in law.

13. There will be no order as to costs.

14. 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.)