

17 11.12.2024
tbsr Ct. 17

WPA 27559 of 2024

Ratan Agarwal
Vs.
The State of West Bengal & Ors.

Mr. Sandip Chakraborty
Mr. Moyukh Mukherjee
Mr. Kaustav Das
Mr. Sarthak Mondal
....for the petitioner

Mr. Susanta Pal
Mr. Prabir Kumar Ray
....for the State

Mr. Debanjan Mukherjee
....for the WBSEDCL

Mr. Pinaki Ranjan Chakraborti
....for the respondent no. 9

Mr. Sakya Maity
....for the Intervener

Affidavit of service filed on behalf of the
petitioner is taken on record.

Report filed on behalf of the State is also taken
on record.

Learned counsel appearing on behalf of the
petitioner submits as follows. The petitioner is
running a Flour Mill at the premises in question with
electricity connection obtained from the WBSEDCL.
He prayed for enhancement of the load for the meter
and the same was allowed. Necessary no objection
was obtained from the Gram Panchayat authorities.
First, the connection was to be given overhead. Some

locals objected to the same. Therefore, an order was passed to have it done underground using an unused drain. When the electricity authorities came to provide such connection, the private respondents and some locals, by use of physical force, prevented them from taking any steps. An FIR had to be lodged in this regard. No police help was rendered. Request for police has been made thereafter to complete the work in question.

Learned counsel appearing on behalf of the respondent WBSEDCL submits that the respondent authorities are ready to execute the work, provided adequate police protection and help is provided. The electricity authorities had also asked for police help.

Learned counsel appearing on behalf of the State submits that if a prayer for police help made in this regard, the same would be considered in accordance with law subject to payment of necessary charges by the petitioner. However, there is a public interest litigation pending over the issue of the pollution in the area. There is also an adverse mass petition.

Learned counsel appearing on behalf of the Intervener submits that he is the neighbor of the petitioner. There is too much pollution caused by the Flour Mill there.

Learned counsel appearing on behalf of the respondent no. 9 submits that there is doubt about whether the petitioner had the right to convert the plot of land in question for using it commercially.

At this stage, learned counsel appearing on behalf of the petitioner submits that the area is an industrial one and the petitioner is abiding by all norms of pollution control.

If the intervener is aggrieved with anything regarding causing of excessive pollution, he shall be at liberty to approach the concerned authority. But, that does not mean he has the right to physically prevent the statutory authorities from undertaking their work.

The respondent no. 9 shall also be at liberty to take up his point before the appropriate authorities instead of forcibly preventing the electricity authorities from increasing load to meter.

It has not been submitted by anyone that any stay order has been granted by any Court of law in connection with the WBSEDCL authorities increasing the load to the unit of the petitioner.

In any event, if any order is passed in this regard including in any Public Interest Litigation concerning the issue of pollution in the area, the actions of the petitioner and the respondents would all abide by such order.

In view of the above, let the police authorities grant adequate help including deployment of armed police personnel, if necessary, in the area to stand guard for the electricity authorities to lay the underground cable for increasing the load to electric meter of the petitioner. The costs for such deployment shall be paid by the petitioner.

As affidavits were called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)