

AD-20
Ct No.09
18.01.2024
TN

WPA No. 27731 of 2023

Sri Dulal Mondal
Vs.
The State of West Bengal and others

Mr. Manojit Pal
.... for the petitioner

Mr. Sujit Sankar Koley
.... for the WBSEDCL

Mr. Sankar Paul,
Mr. Surajit Paul
.... for the respondent nos.7 & 8

- 1.** The petitioner contends that the petitioner sought electricity connection as long back as in the year 2011. Ultimately electricity not being given, a writ petition bearing W.P. No. 30412 (W) of 2015 had to be filed which culminated in an order dated April 27, 2016, whereby directions were given to the Distribution Licensee to give electricity connection to the petitioner with police help.
- 2.** However, when the petitioner intended to pay police help cost to the Superintendent of Police, the same was not accepted.
- 3.** Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that as per instruction of

the WBSEDCL, police help could not be given due to costs for the same having not been deposited. However, WBSEDCL has no objection to give such connection in compliance with the order passed in W.P. No. 30412 (W) of 2015.

4. Learned counsel for the private respondents submits that to give electricity connection to the petitioner, open live wire is to be taken over the courtyard of the private respondents, thereby jeopardizing the life and limb of the private respondents.
5. However, it transpires from the annexures to the writ petition that the present private respondents had been impleaded in W.P. No. 30412 (W) of 2015. Only upon service being effected on the said private respondents was the order passed therein. Since no challenge has been preferred to the order dated April 27, 2016, the same has attained finality and operates as *res judicata* against the private respondents, precluding them from opposing the electricity connection being given to the petitioner now.
6. The only sticking point being deposit of police help costs, the problem can be resolved if the respondent no.5 herein, that is, the Superintendent of Police accepts the police help

costs upon being deposited by the petitioner. With regard to the private respondents' concern of electricity hazards, the same can be mitigated in the event the WBSEDCL ensures that all safety precautions are taken care of while giving the connection to the petitioner.

7. Accordingly, WPA No. 27731 of 2023 is disposed of by directing the petitioner to deposit the appropriate police help costs with the respondent no.5, that is, the Superintendent of Police, Baruipur District Police within a fortnight from date. If so deposited, the respondent no.5 shall accept the same by acting on a server copy of this order and ensure that adequate police assistance is given for the purpose of giving electricity to the petitioner. The WBSEDCL shall, upon being intimated of such police help costs having been deposited by the petitioner, give such connection to the petitioner within a fortnight thereafter with police assistance which shall be provided by the respondent no.6, that is, the Officer-in-Charge of Police, Baruipur Police Station.
8. In the event any obstruction is raised by the private respondents, it will be open to the police authorities to remove the same and also break open any padlock, if necessary while doing so.

- 9.** It is made clear that it will be open to the private respondents to raise all private civil disputes before the competent civil court if need be.
- 10.** Moreover, the WBSEDCL, while giving the electricity connection to the petitioner, shall ensure that all normal safety and precautionary measures are taken for giving such connection in accordance with law and procedure.
- 11.** There will be no order as to costs.

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.)