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07.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 1366 of 2024

Arun Jana
Vs.
The State of West Bengal & Ors.

with

W.P.A. 28337 of 2023

Jugalananda Das
Vs.
The State of West Bengal & Ors.

Mr. Debjit Mukherjee,
Ms. S. Chatterjee,
Mr. Kaustav Bhattacharya
...for the petitioner in
WPA 1366 of 2024 and
for the respondent nos. 10
and 11 in WPA 28337 of 2023

Mr. Ziaul Haque,
Mr. Himadri Kumar Mahato
...for the petitioner in
WPA 28337 of 2023 and
for the respondent nos. 8
and 9 in WPA 1366 of 2024

Mr. Asish Kumar Guha,
Mr. Suvendu Sengupta
...for the State in WPA 1366 of 2024

Mr. Ansar Mondal,
Mr. Md. Idrish
...for the State in WPA 28337 of 2023

1. W.P.A. 1366 of 2024 has been filed by one Mr. Arun Jana alleging that when he went to get electricity connection from the West Bengal State Electricity Distribution Company Limited (WBSEDCL), the latter insisted on a SWID Certificate.

2. Upon taking information, the writ petitioner, Arun Jana, came to know that the area-in-question, that is, Egra-II, within District Purba Medinipur, falls within the “safe zone” category and, as such, no SWID certificate is required.

3. Learned counsel for the WBSEDCL argues that due to objection of the private respondent in W.P.A. No. 1366 of 2024, who is one Jugalananda Das, who has preferred W.P.A. 28337 of 2023, the connection could not be given and, as such, police help is required to give such connection.

4. On an earlier occasion, the court had directed the State to produce a report regarding the category of the area-in-question.

5. Learned counsel for the State files a brief report along with a chart, which indicates that Egra-II within District-Purba Medinipur is indeed a safe zone, as per the latest stand of the Government.

6. Learned counsel for the private respondent in WPA 1366 of 2024 and the petitioner in WPA 28337 of 2023, Jugalananda Das, also seeks to place reliance on a chart, which indicates that the area is semi-critical. However, it transpires that the chart, annexed to WPA 28337 of 2023, is of March 02, 2017, whereas the chart produced by the State and relied on by Arun Jana is the current position, even as per the State.

7. Since the State-authorities themselves are of the opinion that the zone-in-question is a safe area, there cannot be any impediment in giving such connection to Arun Jana.

8. Accordingly WPA 1366 of 2024 is allowed on contest, thereby directing the WBSEDCL to give electricity connection to the petitioner, Arun Jana, within a fortnight from the date of compliance of all formalities or from this date, whichever is later.

8. In the event any obstruction is raised by the private respondents and/or their men and agents, the WBSEDCL will be at liberty to approach the Inspector-in-Charge of the Egra Police Station, that is, the respondent no. 7 for adequate police assistance, which will be rendered by the respondent no. 7 by acting on a server copy of this order, coupled with the written commination by the learned advocate, at the cost of the petitioner.

9. Consequentially, WPA No. 28337 of 2023 is dismissed on contest, without, however, any order as to costs.

10. The report filed today be kept on record.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)