

D/L.8.  
March 14, 2024.  
MNS.

WPA No. 28440 of 2023

Lalmon Begum  
Vs.  
The State of West Bengal and others

Mr. Tanmoy Chowdhury,  
Ms. Ritoprita Ghosh

... for the petitioner.

Ms. Jyotsna Roy Mukherjee,  
Ms. Srijani Mukherjee

...for the State.

Mr. Debanjan Mukherji

...for the WBSEDCL.

Ms. Juin Dutta Chakraborty,  
Mr. Bidhan Modak,  
Ms. Madhumita Paul

...for the respondent nos. 7 & 8.

1. A dispute has arisen in the present case as to the route over which the petitioner can be given a new electricity connection. There cannot be any doubt that the petitioner, being an occupant of her property, is entitled to get electricity connection under Section 43 of the Electricity Act, 2003 (in short "2003 Act").
2. A report is filed today by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) as per previous direction of the court.

3. In the sketch map which is annexed to the report, two locations have been indicated by red pencil mark which are, according to the WBSEDCL, existing electricity poles over which connections have been given to others. Thus, the most expedient way for giving connection to the petitioner at her house as indicated in the sketch map would be through the existing poles.
4. Since, according to the WBSEDCL, there is stiff resistance from the private respondents in giving such connection, Rule 3 of the Works of Licensees Rules, 2006 is to be resorted to, which mandates the Licensee to approach the concerned District Magistrate or the Police Commissioner, whichever is applicable for resolution of such dispute.
5. However, to cut short unnecessary paraphernalia, as the WBSEDCL also indicates to the court that there is present resistance, the matter ought to be referred to the concerned District Magistrate, that is, the respondent no. 2, for adjudication of the dispute between the warring parties.
6. Hence, WPA No. 28440 of 2023 is disposed of by directing the respondent no. 2 to decide the dispute as raised herein, regarding giving electricity connection to the petitioner through

the electricity poles as demarcated in the sketch map annexed to the report filed by the WBSEDCL today, which is made a part of the records.

7. Before such adjudication, the respondent no. 2 shall give ample opportunity of hearing to all the contesting persons having interest in the issue and thereafter take a decision on the same in accordance with law.
8. It is expected that such entire exercise shall be concluded within eight weeks from the date of communication of this order to the respondent no. 2.
9. The petitioner shall communicate this order to the respondent no. 2 along with copies of the writ petition as well as copies of the report along with the annexed map, which copies have already been handed over to the petitioner as well as to the private respondents.
10. There will be no order as to costs.
11. 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.)