

OD 7

WPO/298/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAM RATAN SINGH
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 30th April, 2024.

Appearance:
Mr. Jagannath Ganguly, Adv.
...for the petitioner

Ms. Anjusri Mukherjee, Adv.
Ms. Susmita Biswas Chowdhury, Adv.
...for the State Respondent

Mr. Debanjan Mukherjee, Adv.
...for the CESC Ltd.

Mr. Shyamal Chakraborty, Adv.
Mr. Debjyoti Mondal, Adv.
Ms. Anjana Das, Adv.
Mr. Palash Goswami, Adv.
...for the respondent nos.5 and 6

The Court: The petitioner submits that the petitioner sought for electricity connection which was not given by the CESC Limited due to obstruction by the private respondents.

Learned counsel for the CESC Ltd. submits that the said licensee could not even hold an inspection due to obstruction.

Learned counsel for the private respondents contends that contrary to the claim of the petitioner, the petitioner is not a tenant in respect of the subject property. On query of Court, learned counsel submits that an eviction suit is pending at present at the behest of the private respondents against the petitioner.

As such, it is evident that the possession of the petitioner in respect of the property is an admitted position since the private respondents have taken out an eviction suit against him. However, the private respondents dispute the legal status of the petitioner and the legality of his possession.

It is well-settled that a person in settled possession of a property, irrespective of the legality of such possession, is entitled to electricity under Section 43 of the Electricity Act, 2003.

Accordingly, WPO/298/2024 is allowed on contest, thereby directing the respondent no.2, the CESC Limited to hold an inspection within a week from date to ascertain feasibility of giving an electricity connection to the petitioner from the existing meter board position at the premises. Upon such inspection being held, if it is found that it is so feasible, the CESC Ltd. shall raise an offer letter to the petitioner within three days thereafter. Within a fortnight after compliance of formalities by the petitioner, the CESC Ltd. shall give such connection to the petitioner from the existing meter board position at the subject premises.

In the event any obstruction is raised by the private respondents and/or their men and agents at the juncture when the inspection is taken or when the connection is given by the CESC Ltd., it will be open to the CESC personnel to

approach the respondent no.4, being Officer-in-Charge, Bowbazar Police Station, who, by acting on a server copy of this order, shall provide such assistance at the cost of the petitioner, if necessary by removing any padlock or other hindrance put up in the process of doing so.

It is made clear that nothing in this order, nor the electricity connection, as and when given, shall create any special right or equity in favour of the petitioner and such connection and the observations above shall be without prejudice to the rights and contentions of the petitioner and the private respondent in the pending civil suit.

The written instructions filed by the learned counsel for the State be kept on record.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)