

28.03.2025

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Ct. no.39

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

W.P.A. 399 of 2025

Ishwar Jaiswal

-Vs-

The State of West Bengal & ors.

Mr. Saheb Banerjee (through virtual mode)
... for the petitioner

Mr. Srijan Nayek
Ms. Rituparna Maitra
... for the State-respondent

Mr. Debanjan Mukherjee
.... for the respondent-WBSEDCL

Mr. Sandip Chakraborty
Mr. A. Upadhyay
Mr. Koustav Das
... for the respondent no.13

This writ petition has been filed seeking for cancellation/quashing of the order dated 20th June, 2024 issued by the Block Development Officer, Kanksha Development Block.

The petitioner contends that by such order the Block Development Officer, Kanksha Development Block has directed for laying of the electric line underground resulting in damage to the locality including damage to the drainage system. Hence, this writ petition.

Mr. Saheb Banerjee, learned advocate for the petitioner submits that the order impugned would result in damage to the entire area including hygiene and,

therefore, the order impugned should be set aside in the interest of justice bearing in mind the civic right of the petitioner.

Mr. Debanjan Mukherjee, learned Advocate for the respondent no.10-WBSEDCL submits that the respondent no.10 is willing to comply with the order passed by the Block Development Officer, Kanksha Development Block, which has been directed to be executed through police help by this Hon'ble Court in WPA 27559 of 2024. Therefore, the order seeking cancellation of the impugned order is totally misconceived, since the respondent no.10 is duty bound to carry out and implement the order of the Hon'ble Court. The petitioner has also suppressed material fact before the Court that a Public Interest Litigation filed alleging of pollution in the locality was dismissed by the Hon'ble Division Bench presided over by the Hon'ble The Chief Justice in WPA (P) 441 of 2024. He seeks for dismissal of the writ petition.

Mr. Srijan Nayek, learned Advocate representing the State-respondent also submits that the State is willing to cooperate with the respondent no.10 in execution of the order of the Hon'ble Court.

Mr. Sandip Chakraborty, learned Advocate for the respondent no.13 submits that the writ petition is misconceived since the order impugned of which quashing has been sought for by the petitioner, has been

directed to be implemented in the earlier writ petition. Respondent no.10 is duty bound to implement the order of the Hon'ble Court in providing electricity to respondent no.13 and as such the writ petition is liable to be dismissed.

The principal challenge is against the order dated 20th June, 2024 passed by the Block Development Officer, Kanksha Development Block. It is found from the order annexed to the writ petition at page 25, Annexure P3, that the Block Development Officer passed the following order:

“Considering submission of proposals by all the parties and Divisional Manager, WBSEDCL, Durgapur and perusing all other pertinent documents, the undersigned has come to conclusion that Ratan Flour Mill facing acute problem of low voltage and electric phase blown on regular basis. On the other hand, to carry 11 KV line by erecting pole through the densely populated lane may be risky.

Therefore, proposed 11 KV cable may be carried through underground of the road to Ratan Flour Mill and the transformer may be installed on land which will be provided by the Ratan Flour Mill would be the best option.”

Since such order could not be executed, the respondent no.13 through its proprietor Ratan Agarwal filed a writ petition being WPA 27559 of 2024 and upon hearing the respective parties the Court passed the following 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.”

Thus, it appears that this Court in the earlier writ petition being WPA 27559 of 2024 has directed for 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 respondent no.13 herein). Thus the Court directed for implementation of the work of laying underground cable for increasing the load.

The order passed in WPA (P) 441 of 2024 has also taken into consideration the order passed in WPA 27559 of 2024 and the Hon'ble Division Bench was pleased to dispose of the writ petition with the following direction:

“7. Therefore, without going into the merits of the allegation made by the petitioner against the private respondent, we direct the 3rd respondent i.e., the Senior Scientist and In - Charge Public Grievance Cell, West Bengal Pollution Control Board or any other officer, who may be nominated by the said officer to conduct a surprise inspection of the premises of the private respondent no.14 and if any violation is found, appropriate action be initiated in accordance with law after complying with the principles of natural justice.”

Such being the position, since the order impugned is directed to be implemented in the earlier writ petition, this Court finds that the writ petition is short of merit.

Accordingly, the writ petition being **WPA 399 of 2025** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)