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01-09-2025
AKG
Ct. 15

WPA 4441 of 2025

**Aniruddha Dhar
Vs.
The State of West Bengal & Ors.**

Mr. Kushal Paul

...for the Petitioner

Mr. Amit Kr. Ghosh,
Mr. Tapas Chatterjee

...for the State

Dr. Madhusudan Sha Roy

...for WBSEDCL

The petitioner seeks removal of three electricity transformers installed by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) within R.S. Plot Nos. 5065 and 5066 at Birnagar, Raiganj, Uttar Dinajpur.

The petitioner claims to be a co-owner of the said plots and submits that WBSEDCL installed the transformers without notice and behind his back. Respondent no. 6 is not represented today.

On the previous occasion, attention of this Court was drawn to the affidavit filed by respondent no. 6, wherein it was asserted that the petitioner and wife of respondent no. 6, along with certain others, were partners of a partnership firm, namely Raiganj Home and Heritage. The said firm constructed a housing complex adjacent to Plot Nos. 5065 and 5066. For providing electricity connections to the flat owners, three transformers were installed in the years 2016, 2020, and 2022.

Owing to disputes among the partners, the petitioner retired from the said firm on October 4, 2020.

It appears that with the express consent of the petitioner, two of the transformers were installed during the period when he was a partner of the said firm. Subsequently, due to disputes that arose among the parties, the petitioner has now sought removal of all three transformers.

It is also undisputed that the petitioner is not the exclusive owner of R.S. Plot Nos. 5065 and 5066; there are other co-owners of the land. However, the petitioner has not impleaded those co-owners as parties to the present writ petition.

By order dated June 9, 2025, this Court directed WBSEDCL to file a report indicating whether any alternative space within R.S. Plot Nos. 5065 and 5066 was available for relocation of the transformers. WBSEDCL has since filed its report, stating that such relocation is not technically feasible.

Irrespective of the technical feasibility of relocation, I find that the transformers in question are catering to the needs of flat owners of the buildings constructed by the partnership firm, of which the petitioner was admittedly a partner at the relevant time. The petitioner, at this belated

stage, cannot unilaterally seek removal of the transformers long after their installation.

Furthermore, other co-owners of the plots, apart from respondent no. 6, are not before this Court.

In view of the aforesaid circumstances, the relief sought by the petitioner cannot be considered.

Accordingly, **WPA 4441 of 2025** is disposed of.

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

(Kausik Chanda, J.)