

23.04.2025
Sl.No.12
Ct. No.15
S.A.

WPA 5670 of 2025

Sirajul Haque @ Sirajulhak Halder
-vs-
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Krishanu Banik
Mr. Tathagata Banik
...for the petitioner
Mr. Amitabh Shukla
...for WBSEDCL
Mr. Gautam Das
Ms. M. Patra
Mr. S. Chakraborti
...for respondent no.6

The petitioner objects to the proposed electricity connection in favour of respondent no.6.

It is undisputed that a partition suit is pending between the petitioner and respondent no.6.

The petitioner filed an injunction application, and the learned Civil Judge (Senior Division), 1st Court, Hooghly at Chinsurah, passed an injunction order. To vacate this injunction order, respondent no. 6 filed an application under Order 39, Rule 4 of the Code of Civil Procedure, 1908. The application filed by Respondent No. 6 under Order 39, Rule 4 of the Code of Civil Procedure, 1908 was, however, rejected by the learned Civil Judge. Subsequently, Respondent No. 6 preferred Misc. Appeal No. 62 of 2017 before the learned District Judge, Hooghly.

In the said Misc. Appeal, the following order was passed:

“That the instant Misc. Appeal is allowed on contest but without any order as to costs.

The impugned order No.96 dated 07.04.2016 passed by the ld. Civil Judge (Senior Division), 1st Court, Hooghly at Chinsurah in Title Suit 31/2007 is hereby set aside.

The petition under order 39 rule 4 of the CPC filed by the appellant/defendant No.2 before the ld. Trial Court stands allowed. It is directed that defendant No.2 will have the liberty to apply for electric connection from the competent electricity authority and the electricity authority will provide such connection at once as per rules after appropriate requirements are fulfilled by the appellant/defendant No.2 Rowsenara Begum. The appellant will have the liberty to communicate this order in appropriate form to the electricity authority if needed”.

I am of the view that when a competent Civil Court has already allowed the prayer of respondent no.6 for an electricity connection, in exercise of writ jurisdiction, the said order should not be interfered with.

Accordingly, WPA 5670 of 2025 is dismissed.

This order, however, shall not preclude the petitioner from challenging the order of the learned District Judge in accordance with law.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)