

25.04.2025
Sl.No.15
Ct. No.15
S.A.

WPA 6361 of 2025

Vikash Kumar Singh
-vs-
The CESC Limited & Ors.

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti
Ms. Debosri Chatterjee
...for the petitioner
Mr. Debanjan Mukherjee
...for CESC
Mr. Kushal Chatterjee
Mr. Sunil Kumar Singhania
...for respondent no.5

The petitioner claims that a parcel of land was let out to him by respondent No. 5 for the purpose of operating a car parking business. The petitioner now seeks a commercial electricity connection for the same.

Respondent No. 5, the landlord, objects to the petitioner's prayer. It is asserted that the petitioner is attempting to change the use of the land for commercial purposes. Furthermore, it is alleged that the petitioner has submitted forged documents to various authorities in order to utilize the land for commercial purposes. The landlord contends that, as the owner of the land, he has the right to object to any change in the land's use. Additionally, it is claimed that the petitioner has constructed a two-story building on the land without the consent of the landlord, prompting the landlord to file a complaint with the relevant municipal authority.

On the other hand, the learned advocate for the Calcutta Electric Supply Corporation (CESC) submits that, in principle, CESC has agreed to provide the electricity connection to the petitioner's occupied premises. The CESC officials reportedly visited the premises to effect the connection but were allegedly manhandled by respondent No. 5. However, respondent No. 5 denies these allegations.

It appears that the petitioner has obtained a license from the concerned municipal authority to operate his car parking business on the subject land. Furthermore, the possession of the petitioner over the land in question is undisputed.

In light of the foregoing, respondent No. 5, as the landlord, cannot prevent CESC from providing a commercial electricity connection to the petitioner. Should the petitioner alter the use of the land, it is within the landlord's rights to initiate eviction proceedings for such a change in use.

It is, however, pertinent to note that the mere provision of an electricity connection does not alter the nature or character of the property.

In view of the above, this writ petition is disposed of with a direction to CESC to provide the electricity connection to the petitioner within two weeks from the date of this order.

The Officer in Charge of Liluah Police Station is directed to assist the CESC officials in effecting the connection, at the petitioner's expense.

It is clarified that this order shall not be construed as granting any rights to the petitioner in relation to the property.

Furthermore, the provision of the electricity connection is to be made without prejudice to the rights of respondent no.5 to take legal action against the petitioner in accordance with the law before the appropriate authority.

Accordingly, **WPA 6361 of 2025** is disposed of.

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.)