

18.09.2025
Sl.70.
Suman
Ct.No.15

WPA 10829 of 2025

Tarak Sardar
Vs.
The State of West Bengal and Ors.

Mr. Goutam Misra
Mr. Vaskar Pal
..for the petitioner

Ms. Sipra Mazumdar
Ms. Somashree Dey
..for the State

Ms. Madhumita Patra
..for respondent no.6

Mr. Kanak Kiran Bandyopadhyay
..for WBSEDCL

The petitioner seeks an electricity connection for his premises located at Farmside Road, 4th Lane, P.O. Chinsurah, Hooghly.

It is an admitted fact that an injunction order has already been passed by the Civil Judge (Junior Division), 1st Court, Hooghly, in Title Suit No. 331 of 2012, restraining the petitioner from extending an electricity connection to the “B” Schedule property through the “A” Schedule property as mentioned in the plaint until the disposal of the suit.

Learned counsel representing the plaintiffs in the suit, who has been impleaded as respondent No. 6 in

this writ petition, submits that the pathway in question, through which the electricity line is to drawn, forms part of the “A” Schedule property. She relies upon the relevant paragraphs and schedules appended to the plaint in support of this contention.

This Court sought a report from WBSEDCL to ascertain whether it is possible to provide an electricity connection to the petitioner without contravening the injunction order. In response, WBSEDCL has filed a report.

The relevant portion of the report is quoted below:

“Throughout inspection it had been found that the only entrance to the house of Tarak Sardar goes through a short passage/gali-path of about 35/36 feet long & 1.5 feet wide. Tarak Sardar & his family members use the said passage to enter their house & no other way of entrance to the house of Tarak Sardar was found there. Upon inspection it also appeared that an underground pipe line has gone through the said common passage & only the entry to underground & exit from underground of the said pipeline is visible from surface.

During inspection both the parties raised objection against one another. Tarak Sardar demanded that if water line can be provided through the passage, electric line can also be given to his house.

During inspection, Sadhan Karmakar showed an alternative route for effecting connection to the house of Tarak Sardar but the same is not technically feasible to effect electric connection to the premise of Tarak Sardar.

Based on the inspection the following points may be clubbed down:

- 1. Due to unavailability of proper demarcation and sufficient evidence, it could not be confirmed about ownership*

of the passage or whether the passage area is included in the said injunction or not.

- 2. However, there is a technical possibility of effecting electric connection through underground along with the passage, provided no injunction exists i.r.o. the passage area.*
- 3. The alternative route shown by Sadhan Karmakar is not technically feasible to effect the connection or connection cannot be effected through the said route.*

It may therefore be stated that, technically, an underground connection may be effected in respect of Tarak Sardar, provided there is no injunction or any other legal impediment concerning the specified passage area. Photographs were also taken during the inspection and have been attached.”

I am of the view that the electricity connection to the petitioner cannot be denied.

Even assuming, arguendo, that the injunction relates to the relevant pathway belonging to respondent No. 6, he cannot deny way-leave for providing electricity connection to the petitioner’s premises. [See: **AIR 2012 Cal 205 (Sk. Samsud Doha vs. West Bengal State Electricity Distribution Company Limited)**].

As already noted, the report of WBSEDCL suggests that the connection can be effected through an underground cable, and the petitioner has expressed willingness to bear all necessary costs related to the laying of the underground cables and other expenses required for effecting the electricity connection.

I find that where an underground water pipeline already runs through the passage, there is no justification for refusing to lay an underground electricity cable alongside the disputed passage.

It is a well-settled principle of law that a Civil Court cannot restrain an authority from discharging its statutory obligations.

In view of the foregoing, this writ petition is disposed of with the following directions:

WBSEDCL shall provide an electricity connection to the petitioner's premises by laying an underground cable through the disputed passage within a period of three weeks from the date of this order. All costs associated with such connection shall be borne by the petitioner.

The officials of WBSEDCL shall be assisted by the Officer-in-Charge of Chinsurah Police Station in implementing this order. The cost of police assistance shall be borne by the petitioner.

Accordingly, **WPA 10829 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.)