

Sl. No.16
21.04.2025
Suman
Ct. 15

WPA 12466 of 2024
With
CAN 1 of 2025

Biman Kumar Das
Vs.
West Bengal State Electricity
Distribution Company Limited and Anr.

Ms. Soma Roy Chaudhuri
Ms. Payel Khanra
..for the petitioner

Mr. Sudhakar Biswas
..for respondent no.5.

Ms. Kanak Kiran Bandyopadhyay
..for WBSEDCL

Mr. Ramdulal Manna
Mr. Sayan Mukherjee
..for the added applicant

Mr. Biplab Guha
Mr. Debabrata Mondal
..for the State

In Re: CAN 1 of 2025

This is an application for addition of party.

Having considered the nature of the disputes involved in this writ petition, the Court is of the view that the applicant is a necessary party for the effective adjudication of the matter.

Accordingly, **CAN 1 of 2025** is allowed.

Let the cause title of the writ petition be amended accordingly.

In Re: WPA 12466 of 2024

By filing the present writ petition, the petitioner challenges the order dated January 3, 2024, passed by the District Magistrate, Purba Medinipur. The petitioner, in essence, seeks to challenge the electricity connection provided by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in favour of respondent no. 5.

It is the common contention of both the petitioner and the added respondent that they have ownership rights over plot no. 1254, across which the electricity cable has been laid to facilitate the connection to respondent no. 5's premises.

Both the petitioner and the added respondent assert their respective rights, title, and interest in the disputed plot and contend that the same have not been duly considered by the District Magistrate. The District Magistrate, however, found that plot no. 1254 is used as a public pathway by numerous local residents, including recorded raiyats. On that basis, the District Magistrate declined to recognize plot no. 1254 as private property and instead categorized it

as a common passage historically used for ingress and egress by the local population.

The District Magistrate concluded that WBSEDCL had laid the electricity cable along the most accessible route—being the common passage—and upheld the action of granting an electricity connection to the residence of respondent no. 5.

In the view of this Court, the issue of whether plot no. 1254 constitutes private property or a public pathway involves disputed questions of title, which cannot be adjudicated in the exercise of writ jurisdiction. The claims of title advanced by the petitioner and the added respondent fall outside the scope of a writ proceeding.

Accordingly, this Court is not inclined to entertain the writ petition.

However, it is clarified that this order shall not preclude the petitioner or the added respondent from seeking appropriate relief before the competent forum. It is further clarified that the electricity connection granted to respondent no. 5 shall not create or confer any equitable or proprietary rights in respect of the disputed plot, as the said connection does not impact the question of title.

Accordingly, **WPA 12466 of 2024** 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.)