

17.11.2025
Court No.25
DL/Item No.-17
[Milan]

WPA 14749 of 2024

**Nityanand Lal Das & Anr.
versus
The State of West Bengal & Ors.**

Mr. Tapas Kumar Manna
....for the Petitioners

Mr. Dipanjan Datta,
Mr. Rafiyul Islam
....for the State

Ms. Debanjan Mukherjee
....for CESC

Mr. Subhas Jana
....for the Private Respondent No.3

The petitioners have filed this writ petition praying for direction upon the respondent no.2 being the District Engineer, CESC Ltd. to remove five meters of the respondent nos.3 to 7 that is Surya Kumar Mondal, Sraboni Mondal, Sailen Das, S.K. Kamath & Dolly Das from the western side wall of the petitioners' house at 10/1A, Bakul Bagan Row, Kolkata – 700025.

This Court has called for a report from the CESC and the CESC has submitted the report as follows:-

“Pursuant to the solemn order dated 29th August 2025 passed by the Hon'ble Justice Kausik Chanda in the aforesaid matter, the CESC Limited has carried out necessary inspection on 12th September 2025 at

premises no. premises no. 10/1A, Bakul Bagan Row, Kolkata 700025. The observations are as follows;

1. During inspection, petitioners and private respondents were present. During inspection we found 8 live meters at the existing meter board situated at the outer wall of premises no. 10/1A, Bakul Bagan Row, Kolkata 700025. Consumer details are stated herein below;

Sl. No.	Consumer Name	Meter No.	Premises No.
I	Nityanand Lal Das	5344798	10/1A Bakul Bagan Row
II	Raj Narayan Das	6944957	10/1A Bakul Bagan Row
III	Babulal Mondal	7241900	10/1A Bakul Bagan Row
IV	Surya Kumar Mondal	6037384	10/1B Bakul Bagan Row
V	Smt Sabarna Mondal	3966710	10/1B Bakul Bagan Row
VI	Sailen Das	3586250	10/1B Bakul Bagan Row
VII	Dolly Das	4527759	10/1B Bakul Bagan Row
VIII	Sunil Kumar Kamat	2855359	10/1B Bakul Bagan Row

2. At the time of inspection, petitioners have prayed for removal of 5 meters of the private respondents and others from premises no. 10/1A, Bakul Bagan Row, Kolkata 700025. But private respondents have refused to shift their meters from the existing meter board. Private Respondents submitted that meters are installed at the common position”.

Today, the petitioners have handed over a supplementary affidavit by disclosing four photographs and relying upon four photographs and submitted that the meters affixed at the western side wall of the

petitioners' house are totally in damaged and dilapidated condition and there is every apprehension that any time any untoward incident may occur but in spite of the request made by the petitioners, the authority concerned has not shifted the meters of the private respondents, and accordingly the petitioners have filed this writ petition.

Per contra, the private respondents have brought to the notice of this Court that the private respondents have already initiated a Civil Suit before the 4th Civil Judge (Jr. Division) at Alipore, South 24 parganas being Title Suit No.60/2012 in which the petitioner is also a party and the petitioners have also submitted a written statement along with counter claim and in the counter claim the petitioners have prayed for following reliefs before this Court:-

- (a) For a declaration that the plaintiffs of this counter claim are the absolute owner of 'A' schedule property of this counter claim and the defendant of this counter claim and/or his occupants have no right thereon
- (b) The plaintiff of counter claim pray for a decree of declaration that the defendant of counter claim and / or his men has no right or authority to use the western side wall of premises no 10/1A, Bakul Bagan Row, Kolkata-25 i.e the B schedule property for keeping his or his occupants' meter and letter box

- (c) For a further decree for declaration that the defendant of counter claim has no right to illegal construction of kitchen attaching the northern wall of premises no 10/1A, Bakul Bagan Row, Kolkata – 25 i.e. the C schedule property
- (d) For a decree for mandatory injunction directing the defendant of counter claim to remove the electric meter and letter box from the western side boundary wall of premises no 10/1A, Bakul Bagan Row, Kolkata-25, failing compliance with the process server may be directed to remove the same with the help of CESC men and agents
- (e) For a further decree for mandatory injunction to demolish the illegal structure by the defendant of this counter claim attaching the northern wall of premises of premises no 10/1 Bakul Bagan Row, Kolkata-25
- (f) For a interim injunction restraining the defendant of this counter claim to make any further illegal construction
- (g) For passing a decree for all cost, incidental charges, damages and other expenses
- (h) For further relief or relieves”.

This Court finds that in the Civil Suit by way of counter claim the petitioners have prayed for a decree of mandatory injunction directing the defendants to remove the electric meters and the meter box from the

western side wall of the petitioners' house at 10/1A, Bakul Bagan Row, Kolkata – 700025.

In the present writ petition, the petitioners have made the same prayer for removal of five meters.

Considering the above, this Court finds that the writ petition filed by the petitioners, is not maintainable, accordingly WPA 14749 of 2024 is dismissed.

(Krishna Rao, J.)