

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT 1219 of 2025
IA NO: CAN/1/2025
CAN/2/2025**

Aniket Saha

vs.

**The West Bengal State Electricity Distribution Company Limited &
Ors.**

For the Appellant : Ms. Piyali Shaw, Advocate
Mr. Goutam Malik, Advocate

For the W.B.S.E.D.C.L : Mr. Srijan Nayak, Advocate
Mrs. Rituparna Maitra, Advocate

For the Writ Petitioner/
Respondent no.7 : Mr. Sakya Maity, Advocate

Heard & Judgment on : 09.09.2025

Debangsu Basak, J.:-

1. Appeal is at the behest of a person who was not made a party in the writ petition.

2. Learned advocate appearing for the appellant submits that, right, title and interest of the appellant stands affected by reason of the impugned order. Appellant is a co-sharer of plot no.409. He submits that, the impugned order was obtained behind the back of the appellant without making the appellant as a party to the writ petition.
3. Learned advocate for the appellant points out that, there is a Title Suit pending with regard to the immovable property concerned and in particular with regard to the alleged vesting of that property with the State.
4. West Bengal State Electricity Distribution Company Limited and the writ petitioner/private respondent are represented.
5. Learned Single Judge by the impugned order noted that, WBSEDCL is proposing to install a sub-station on the plot concerned, to cater the electricity to the locality. Noticing such factum, learned Single Judge proceeded to dispose of the writ petition by directing the process of identification, demarcation and handing over possession to W.B.S.E.D.C.L as to the portion where, sub-station would be located. Due notice should be given to the writ petitioner.
6. Appellant before us claim to be a co-sharer to the plot no.409 where, the sub-station is sought to be installed.
7. Since the appellant claims himself to be a co-sharer, leave is granted to the appellant to prefer the appeal from the impugned order.

8. There is Title Suit pending with regard to the alleged vesting of the immovable property to the State. Till such time, such issue is decided by the appropriate forum, it cannot be said that, the land stood vested with the State for the W.B.S.E.D.C.L. to install sub-station on such plot without paying any compensation in respect thereof.
9. Therefore, the impugned order is modified by permitting the W.B.S.E.D.C.L to install the sub-station at the area to be demarcated upon notice to both the private parties. Market value of such portion be assessed.
10. W.B.S.E.D.C.L. is at liberty to take the assistance of the market rate of the portion of the immovable property as available with the office of the Registrar of Assurances, if so required.
11. W.B.S.E.D.C.L will deposit the market value of the portion with the Court at which the Title Suit is pending. Money so deposited be kept in a fixed deposit bearing interest with any nationalized Bank. Fixed deposit be renewed from time to time.
12. The Court in which the money is to be kept will decide as the person who is entitled to such money. In the event, the Court find that suit cannot be decreed in terms of the prayers made in the plaint, then the money should be returned to the W.B.S.E.D.C.L.
13. We clarify that, we do not enter into the dispute inter se between the parties before us. All points raised in the Title Suit are kept open to be

decided without being influenced by any of the observation made in this appeal.

14. **M.A.T. 1219 of 2025** alongwith connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

15. I agree.

(Md. Shabbar Rashidi, J.)