

Sl. No.A70
04.08.2025
Suman
Ct. 15

WPA 24136 of 2024

Gayeswari Mondal and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
..for the petitioners

Mr. Mit Guha Roy
..for private respondent

Mr. Sankar Banerjee
..for WBSEDCL

The petitioners have raised a grievance that respondent no. 7 has been provided with an electricity connection using the common passage, which belongs exclusively to the petitioners and their co-sharers.

It is submitted that two poles have been erected on this common passage, although respondent no. 7 has no right over the said passage.

Respondent no. 7 is represented. It is submitted on behalf of respondent no. 7 that the common passage also belongs to him.

Learned counsel representing the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that the only feasible route for providing the electricity connection to the house of respondent no. 7 has been utilised.

I am of the view that whether a way-leave is required from the petitioners in this case should be determined by the concerned District Magistrate, in accordance with Rule 3(b) of the Works of Licensees Rules, 2006.

In light of the above, I direct WBSEDCL to approach the concerned District Magistrate for resolving the dispute in accordance with Rule 3(b) of the Works of Licensees Rules, 2006, within a period of two weeks from the date of this order.

The concerned District Magistrate shall decide the issue of way-leave and compensation within three months thereafter, after providing an opportunity for hearing to all concerned parties.

A reasoned order shall be passed by the concerned District Magistrate, and the same shall be communicated to all parties.

Accordingly, **WPA 24136 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.)