

S/L 22
14.11.2025
Court. No. 25
suwayan

WPA 23880 of 2025

Sutapa Panda nee Kamila
Vs.
The State of West Bengal & Ors.

Mr. Satrajit Sinha Ray
Mr. Supriyo Ghosh
Ms. Susmita Adhikary

...for the Petitioner.

Mr. Kanak Kiran Bandyopadhyay

...for W.B.S.E.D.C.L.

Mr. Mukteswar Maity
Mr. D. K. Pal
Ms. Manika Sarkar

...for the respondent no. 5.

1. The grievance of the petitioner in the present writ application that the petitioner has applied for grant of electric connection and on receipt of the application, the W.B.S.E.D.C.L. has notified for payment of Rs. 2049/- being the security deposit of the electric connection. The petitioner when approached the authority for deposit of the said amount, the petitioner found that the land owner of the property-in-question has raised objection and as such the authority has not accepted the said amount.
2. Learned counsel for the petitioner submits that the petitioner is in occupation of the premises without the electricity due to which the petitioner is facing difficulties without electricity. Learned counsel for the petitioner has relied upon the judgment in the case of *Abhimainyu Mazumdar vs. Superintending Engineer* reported in 2011 (2) CHN (Calcutta) 768 and submits that the

Special Bench of this Court has categorically held that the electricity cannot be denied even to the illegal occupier in the premises. The petitioner has further relied upon the judgment passed by this Court in the Circuit Bench at Port Blair in *WPA 216 of 2025* dated July 11, 2025 and submits that in the said case also this Court has categorically held that the illegal occupier is also entitled to get the electricity connection unless the petitioner is evicted in due process of law.

3. By referring the said judgment, the learned counsel for the petitioner prays for direction upon the W.B.S.E.D.C.L. for providing electric connection.
4. *Per contra*, learned counsel for the W.B.S.E.D.C.L. submits that though the authority has notified the amount of Rs. 2049/- being the security deposit for providing electric connection but the petitioner has not deposited the same. If the petitioner will deposit the same, the authority will take appropriate steps in accordance with law for providing electric connection unless the petitioner comply all the formalities for providing electric connection.
5. Learned counsel appearing for the private respondent submits that the petitioner has illegally entered into the premises of the petitioner and has illegally occupied the premises-in-question and as such the private respondent has raised an objection for grant of electricity. He further submits that he has already taken steps for eviction of the petitioner from the said premises.
6. Heard the learned counsel for the respective parties.

7. This Court finds that the petitioner has already applied for grant of electric connection and the W.B.S.E.D.C.L. has notified the amount of Rs. 2049/- being the security deposit for providing electric connection but the petitioner has not deposited on the ground that the private respondent has resisted for the same.
8. This Court finds that there is no dispute that the petitioner is in occupation of premises-in-question. It is also finds that the petitioner has also applied for grant of electric connection and the authority has notified the amount being the security deposit for providing the electric connection.
9. In view of the above, the W.B.S.E.D.C.L., the respondent no. 3 are directed to provide the electric connection in the premises of the petitioner within a period of four weeks from the date of compliance of all formalities by the petitioner.
10. It is made clear that providing the electricity will not create any right, title and interest of the petitioner in the premises-in-question. By allowing for grant of electricity, the private respondent is not restrained from taking appropriate steps for eviction of the petitioner in accordance with law.
11. Accordingly, WPA 23880 of 2025 is disposed of.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)