

10.03.2025
Sl. No.19
tkm

W.P.A. 24980 of 2024
(Papiya Bera vs. WBSEDCL & Ors.)

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray
... .. for the petitioner

Ms. Susmita Chatterjee
... .. for WBSEDCL

1. The petitioner, having applied for a fresh electricity connection for her residential accommodation, was denied the same by the respondent no. 3, citing the absence of an NOC from respondent no. 4. The present writ petition has been instituted by the petitioner, being aggrieved by the rejection of her application for an independent electricity connection for the first floor of the property in question.
2. It is the case of the petitioner that respondent no. 4, is the mother of the petitioner. The core grievance of the petitioner emanates from the refusal of the respondent no. 4, the owner of the said property to issue a No Objection Certificate (NOC) for the electricity connection. The petitioner further contended that, in the month of June 2024, respondent no. 4 executed an 'Anumatipatra' in favour of the petitioner which permitted her to construct a residential accommodation at the first floor of the existing one-storied building in the northern portion of the total property of respondent

no. 4. Based on the said permission, the petitioner constructed the first floor and started residing there with her family. Later dispute arose between the parties.

3. Owing to subsequent disputes, respondent no. 4 vide letter dated 21.8.2009 rescinded the aforesaid 'Anumatipatra'. Being aggrieved by the act of respondent no. 4, petitioner initiated Title Suit No. 43 of 2011. However, vide judgment dated 7.9.2017 the said suit was dismissed against respondent no. 4. Upon the said dismissal the petitioner has preferred an appeal being Title Appeal No. 214 of 2017. Vide ex parte judgment dated 12.10.2023 the aforementioned Title Appeal was allowed and thereby respondent no. 4 was permanently restrained from interfering with the peaceful possession of the petitioner qua first floor of the property.
4. Learned counsel for the respondent authority submits that the respondent no. 4 is the owner of the property in question and an electricity connection has already granted in her favour for her residential accommodation. However, no objection certificate is not issued by the respondent no. 4 for the grant of electricity connection at the first floor of the property. Hence petitioner's electricity connection cannot be granted.

5. This court has heard arguments of both the parties and examined the documents. It is admitted position that the petitioner and her family is in possession of the residential accommodation at the first floor of the premises.
6. Title Appeal 217 of 2017 has been decided in favour of the petitioner permanently restraining the respondent no. 4 from interfering with peaceful possession of the first floor of the said building. This being the situation, it is sufficient that the petitioner is in settled possession of the residential accommodation at the first floor of the said property.
7. It is well-settled proposition in law that a person in settled possession is entitled to essential services, including electricity irrespective of the legality of the possession, as enunciated in *Abhimanyu Majumdar Vs. Superintending Engineer* reported in *AIR 2011 Cal 64*.
8. In light of the foregoing principles and in consonance with the statutory mandate enshrined under Section 43 of the Electricity Act, which obligates the supply of electricity to an applicant who is in lawful or settled possession, this Court unequivocally holds that respondent authorities have wrongly declined the petitioner's application for electricity connection qua her residential

accommodation and the said act of refusal to grant the petitioner an electricity connection was arbitrary and unjust.

9. In view thereof, the present writ petition is disposed of by directing the respondent authorities to provide an independent electricity connection in the name of the petitioner for her residential accommodation at the first floor of the said property within four weeks from date of this order.
10. To ensure the seamless execution of this order, adequate police assistance shall be given to the respondent authorities at the cost of the petitioner.
11. With the above direction writ petition is disposed of.

(Gaurang Kanth, J.)