

18.03.2025
Sl. No.29
Ct.3/ tkm

W.P.A. 27616 of 2024
(Jafar Ali Sekh vs. Chairman, WBSEDCL & Ors.)

Md. Khairul Alam
... .. for the petitioner

Mr. Debanjan Mukherjee
... .. for WBSEDCL

Ms. Subhasri Chatterjee
... .. for respondent no. 5

1. The petitioner has preferred the present writ petition, being aggrieved by the impugned order dated 4.9.2024 passed by the Geologist, SWID & Member Secretary DLA, Purba Bardhaman whereby the petitioner's application for grant of SWID certificate has been rejected by respondent no. 4.
2. The petitioner is a cultivator and was having electricity connection vide consumer Id 516093053. However, due to outstanding dues, the said electricity connection got disconnected. Petitioner paid the arrears of outstanding dues along with connecting charges and requested for reconnection of electricity.
3. Subsequently, the petitioner preferred writ petition being WPA 7133 of 2023 inter alia seeking direction upon the respondent authority to accept the quotation amount and shift the petitioner's electricity connection and submersible tube well from the existing site to

another location at Mirgahar Math in JL no. 88, Khatian no. 283, Dag no. 756, Mouza Bandhupur.

4. The said writ petition was disposed of vide order dated 17.4.2023 wherein the learned single judge directed the respondent authority to provide new electricity connection to the petitioner after compliance of all formalities including the submission of SWID certificate.
5. Being aggrieved by the said direction to submit SWID certificate, the petitioner preferred an appeal before the Hon'ble Division Bench being MAT 1525 of 2023. The Hon'ble Division Bench vide order dated 20.3.2024, disposed of the said appeal by holding that the competent authority for issuance of SWID certificate under the West Bengal Ground Water Resources (Management, Control & Regulation) Act., 2005 shall accept the application of the petitioner and process the same as expeditiously for grant of SWID certificate within a period of four weeks.
6. In pursuance of the said direction, the petitioner submitted an application for the grant of SWID certificate. The competent authority after granting an opportunity of hearing, rejected the said application by impugned order dated 04.9.2024.

7. Being aggrieved by the same the petitioner has preferred the present writ petition.
8. Learned counsel for the respondent submits that the impugned order is an appealable one as per regulation 19 of the West Bengal Ground Water Resources (Management, Control & Regulation) Act. 2005.
9. This court had heard the arguments advanced by both the parties and examined the documents on record.
10. As rightly pointed by the learned counsel for the respondent, the impugned order is an appealable order as per regulation 19 of the West Bengal Ground Water Resources (Management, Control & Regulation) Act., 2005.
11. Since the Petitioner is having an alternative efficacious remedy available, this Court is not inclined to exercise the discretionary jurisdiction vested in it under Article 226 of the Constitution of India.
12. In view thereof, this court deems it appropriate to dispose of the present writ petition with liberty to the petitioner to approach the appellate authority under regulation 19 of the West Bengal Ground Water Resources (Management, Control & Regulation) Act., 2005.

13. With the above directions, the present writ petition is disposed of.

(Gaurang Kanth, J.)