

95. 23.12.2025
Court No.08.
(Pritam)

**MAT 2159 of 2025
with
CAN 1 of 2025.**

**Mahadeb Kar & Anr.
-Vs.-
The West Bengal State Electricity Distribution
Company Limited & Ors.**

Mr. Asit Baran Dash.

.....for the appellants.

Mr. Ramdulal Manna,
Mr. Sabyasachi Mondal,
Mr. Sayan Mukherjee,
Mr. A.S. Fazlul Karim,
Mr. Sarthak Dey,
Ms. Payel Khanra.

....for the respondent no.6/writ petitioner.

Ms. Rituparna Maitra.

.....for the WBSEDCL (respondent nos.1 to 5).

Dictated By:- Arijit Banerjee, J.

1. The appellants were the respondent nos. 7 and 8 in a writ petition filed by the respondent no.7 herein being WPA 25070 of 2025.
2. The writ petitioner approached the learned Single Judge with the grievance that although he had applied for electricity connection to his premises, the West Bengal

Electricity Distribution Company Limited (WBSEDCL) was not processing his application.

3. Before the learned Single Judge, the WBSEDCL submitted that its Officers had gone to inspect the premises in question but they were obstructed by the present appellants and as such they could not inspect the premises and no follow-up action could be taken for processing or allowing the application of the writ petitioner.
4. On behalf of the appellants herein, it was submitted before the learned Single Judge that the writ petitioner is in illegal occupation of the premises in question and as such they have serious objection to grant of electricity connection to such premises.
5. The learned Judge disposed of the writ petition being WPA 25070 of 2025 dated December 2, 2025, with the following observations and directions;

“Considering the submission made by the learned counsel for the respective parties, this finds that the petitioner has applied for grant of electric connection on June 23, 2022 but till date no connection has been provided. Electricity is the essential services. It is settled law that even the illegal occupier is also entitled to get the electric connection unless he is evicted from the unauthorized occupation in accordance with law.

In view of the above, the respondent no. 5 is directed to provide the electric connection in the premises of the petitioner within four weeks from the date of compliance of

all formalities by the petitioner. It is further made clear that the grant of electric connection will not create any right, title and interest of the petitioner over the property-in-question.

The learned counsel appearing for W.B.S.E.D.C.L. submits that there was an obstruction for grant of electric connection.

Accordingly, the Inspector-in-Charge, Nandakumar P.S. is directed to provide police assistance to the officials of W.B.S.E.D.C.L. at the time of inspection of the premises and grant of electric connection. It is made clear that the fee for the police protection shall be borne by the petitioner, if required.”

6. Being aggrieved, the respondent nos.7 and 8 in the writ petition have come up by way of this appeal.
7. We have heard learned counsel for the parties.
8. Learned counsel for the appellants says that the appellants have filed a suit against the writ petitioner herein and the West Bengal Electricity Distribution Company Limited (WBSEDCL) and have prayed for orders restraining the grant of electricity connection to the premises which is occupied by the writ petitioner. In such proceedings, an order of injunction has been passed by the learned Civil Court. Hence, WBSEDCL is restrained from granting electricity connection to the writ petitioner.
9. We have seen the order of injunction. Both the writ petitioner and the plaintiffs in that suit are restrained from changing the nature and character of the “Ka”

schedule property. It does not prevent the supply of electricity connection to the premises occupied by the writ petitioner.

10. The contention of the appellants is that the writ petitioner is in illegal occupation of the concerned premises. It is trite law that even an encroacher or illegal occupant is entitled to electricity connection since the same is an essential service. In this connection, one may refer to the Full Bench decision of this Court decision in the case of *Abhimanyu Mazumdar vs. The Superintending Engineer* reported in (2011) 0 Supreme (Cal) 195.

11. We see no infirmity in the order under appeal. The learned Judge has rightly appreciated the facts of the case and the applicable law.

12. As a result, this appeal fails and is dismissed with the connected application.

13. There shall be no order as to costs.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)