

21.05.2026
Ct. No.6
Sl. No.18
skg

C.O. 767 of 2026

Tinku Choudhury & Anr.
Vs.
Smt. Namita Sarkar & Ors.

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya,
Ms. Priyanka Jana,
Ms. Shruti Ararwal,

...for the Petitioners

Mr. Supriyo Chottopadhyay,
Mr. Deborsi Chatterjee,

...for the opposite party no.1

Mr. Shibojyoti Chakraborty,
Ms. Riya Ghosh,
Ms. Debolina Ghosh,

...for the Howrah Zilla Parisad

1. Affidavit of service filed in Court today is taken on record.
2. This revisional application is directed against an order dated January 20, 2026 passed by the learned Civil Judge (Jr. Div.) 6th Court at Howrah in Title Suit no. 1545 of 2023 whereby the petitioners' application under Section 151 of the Code of Civil Procedure, 1908 seeking electricity connection at the suit premises, has been rejected.
3. The opposite party no. 1 has instituted Title Suit no. 1545 of 2023 praying, inter alia, for a decree of declaration of title as well as the permanent injunction. In the said suit, the petitioners have been arrayed as defendants along with others.

4. The petitioners filed an application under Section 151 of the Code of Civil Procedure praying for liberty to take new electricity connection from WBSEDCL at the property mentioned in 'A' schedule of the plaint.
5. Such application has been rejected by the learned Trial Court. Feeling aggrieved thereby the petitioners have approached this Court by filing the present revisional application. Learned Advocate appearing for the petitioners submits that the learned Trial Court has failed to exercise jurisdiction vested in it by dismissing the petitioners' application on the ground that there is an order of status quo in respect of 'A' and 'B' schedule property of the plaint, that there is no specific schedule or description of the property in respect whereof the defendants intended to take electricity supply and that project completion certificate as well as occupiers certificate had not been produced before the learned Trial Court.
6. The learned Advocate appearing for the opposite party no.1 submits that the petitioners have raised construction in violation of the order dated October 9, 2023 passed by the learned Trial Court in Title Suit no. 1545 of 2023 whereby the parties were *inter alia*, directed to maintain status quo in respect of 'A' and 'B' schedule properties as regards measurement, character and nature thereof.

7. It is submitted that the construction done by the petitioner is unauthorized and as such the learned Trial Court was justified in refusing to grant the petitioners' prayer for electricity supply.
8. Heard the learned Advocates appearing for the respective parties and considered the material on record. It is now well settled that an order of *status quo*, of the nature passed by the learned Trial Court, would not be a ground for withholding or declining electricity supply to a party. However, since the learned Trial Court was in doubt as regards the completion of the construction or as regards the legality and validity thereof it was open to the learned Trial Court to call for a report in such regard from the Howrah Zilla Parishad which has been arrayed as defendant no. 7 in the suit.
9. Such exercise has not been carried out by the learned trial Court and the learned Trial Court has simply dismissed the petitioners' application under Section 151 of the Code of Civil Procedure. On such score alone, the order impugned is set aside.
10. The matter is remitted back to the learned Trial Court for a fresh decision on merits. The learned Trial Court shall pass appropriate order upon considering the application on merits and upon calling for appropriate report from the defendant no.7 as regards the

construction in terms of the sanction plan etc. if necessary.

11. It is made clear that this Court has not gone into the merits of the respective cases of the parties and all points are left open to be decided by the learned trial Court in accordance with law.
12. Since the petition relates to essential supply of electricity, therefore the learned Trial Court is requested to expedite hearing of the application and dispose of the same as expeditiously as possible and preferably within a period of one month from the next date fixed.
13. With the above observation the present revisional application being C.O. 767 of 2026 stands disposed of. There shall be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)