20.11.2026
SL No.3
Court No.12
(gc)

FMA 605 of 2025
CAN 1 of 2025

Sri Joydeb Mondal @ Joydev Mondal
Vs.
WBSEDCL & Ors.

Mr. Shah Jahan Hossain,
Mrs. Sanjida Sultana,
Mr. Prithwiraj Biswas,
Mr. Souvik Shaw,
Mr. Sahanur Alam

...for the Appellant.

Mr. Sumit Ray

...for the WBSEDCL.

1. The appellant is aggrieved by an order dated February 19, 2025 passed in WPA 2655 of 2025. By the order impugned, the learned Single Judge directed electricity connection to be given to the writ petitioner, Sri Prabhakar Mondal, upon compliance of all formalities and further held that the dispute with regard to the identity, status and title of the land in question over which the electricity connection was sought to be drawn, would be decided in the civil suit. His Lordship further protected the appellant by holding that the connection would not create any equity in favour of the writ petitioner and the same shall be subject to the outcome of the civil litigation.

2. Learned Advocate for the appellant submits that the land over which the writ petitioner seeks to draw electricity connection, is not a common passage, but the exclusive land of the appellant. He further submits that until the suit is decided, the connection should be given by an alternative route.

3. We do not agree with the contentions of the learned Advocate for the appellant, for the following reasons:-

   a) Initially, a writ petition was filed for grant of electricity connection and the matter was referred by the High Court to the District Magistrate, Murshidabad for a decision under the Works of Licensees Rules, 2006.

   b) By an order dated September 12, 2017, the District Magistrate came to a specific finding upon perusal of the report of the Sub-Divisional Land and Land Reforms Officer, Sadar- Berhampore, that Plot No.1283 of Mouza – Mahata was not recorded in the name of Sri Joydeb Mondal, although, the same was recorded in the names of Abhimunya Mondal, Tribhanga Mondal and three other persons, but the petitioner's name was not available.

c) We also find that the appellant has filed a suit being Title Suit No.142 of 2021, which is pending before the learned Civil Judge, Junior Division, Additional Court at Berhampore. Paragraph 6 of the plaint categorically states that the appellant was dispossessed from the schedule “B” property around January 21, 2021, which is plot no.1283 and he has prayed for a declaration of title and recovery of khas possession of schedule “B” property as also for permanent injunction. The connection is sought to be drawn over the said plot, as submitted on behalf of the appellant.

d) It is an admitted case of the appellant that he is not in possession of the plot and his title or his right over the same is yet to be decided by the Civil Court.

4. The writ petitioner cannot be denied electricity, which is an essential commodity.

5. We find that the learned Single Judge sufficiently protected the right of the appellant. Grant of electricity shall not create any right or equity in favour of writ petitioner.

6. The appeal and the connected application are disposed of without any interference with the order impugned.

7. The Civil Court will proceed independently, without being influenced by the fact that the electricity connection was granted through a passage or plot of land, which is also the subject matter of the suit and in respect of which there are rival claims. The suit will be decided on its own merits.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)