

20.04.2026
Item No.4
Court No.12
(cp)

MAT 601 of 2026
with
CAN 1 of 2026

Maya Halder
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Ms. Bipasha Bhattacharyya

Mr. Sumit Roy

.....for the appellant.

.....for the WBSEDCL.

1. The appellant is aggrieved by the order dated February 23, 2026, passed in WPA 27034 of 2025. By the order impugned, the learned Judge clarified that new service connection should be given to the appellant with the help of the police, in case of obstruction by private parties. However, the connection proposed to be given should not in any way cause an encroachment on the land of the neighbour.
2. Ms. Bhattacharyya, learned advocate representing the appellant, submits that after the order was passed, a notice was issued by the Station Manager, Joynagar, Customer Care Centre, WBSEDCL, indicating that unless a way leave was granted by the neighbour, connection

would not be provided. It was stated that, for installing a pole on the passage through which the appellant seeks to draw electricity, consent of the private party was necessary.

3. Mr. Roy, learned advocate for the WBSEDCL, submits that the neighbour objected to erection of the pole. Permission was granted by them to the appellant, to use the passage exclusively for ingress and egress. The neighbour was opposed to any installation or erection of poles and other equipments for the purpose of grant of electricity to the appellant.
4. Under such circumstances, we hold that, in view of the resistance by the neighbour in the matter of drawing lines over the land/passage belonging to the neighbour or to any other private party for that matter, the provisions of the Works of Licensees Rules, 2006, should be resorted to.
5. Hence, the matter is relegated to the District Magistrate, South 24 Parganas to treat the appeal and the application for stay as a representation of the appellant and the letter of the WBSEDCL as their response to the issue of grant of new connection to the appellant and dispose of the matter strictly in terms of the rules.
6. It is made clear that, while deciding the matter, the District Magistrate will hear the appellant, the station

manager of WBSEDCL and also the party who has opposed to installation of the pole on the passage.

7. It is the specific case of the WBSEDCL that an alternative route cannot be ascertained and the appellant has not been able to show such route.
8. All these issues would have to be decided upon thorough inspection of the area and upon hearing the parties.
9. Accordingly, the appeal and the connected application are disposed of.
10. The order of the learned Judge is modified to the above extent. A reasoned order shall be passed by the District Magistrate and informed to the parties. The entire exercise shall be completed within eight weeks from the date of communication of this order.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)