

S/L 8

25.03.2026
Court No.4
Swd

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

WPA 1471 of 2024

Sajan Kumar Jha

Vs.

**The West Bengal State Electricity Distribution
Company Ltd. & Ors.**

Mr. Debanshu Mondal.

... for the Petitioner.

*Mr. M. Rahman,
Mr. Sourav Sarkar.*

... for the State.

*Mr. Sudipta Kumar Bhowmik,
Mr. Anirban Banerjee.*

... for the WBSEDCL.

1. The learned Advocate for the writ petitioner, the learned Advocate for the State of West Bengal and the learned Advocate for the West Bengal State Electricity Distribution Company Limited are present.
2. Heard the learned Advocates for the parties.
3. This writ petition was directed against the disconnection of electricity by the West Bengal State Electricity Distribution Company Limited and others. It is the case of the respondent, West Bengal State Electricity Distribution Limited and others that the said respondent disconnected the electricity connection in accordance with the instruction issued by the PHE department for disconnection of the same. It also appears in the

record that earlier representation was made to the said respondent, West Bengal State Electricity Distribution Company Limited and others, but, the said respondent intimated that the earlier connection cannot be restored and for a new connection application has to be made with no objection from Dima Tea Estate and PHE.

4. It is the case of the writ petitioner that although application for new connection is made, but the same has not been given by the respondent, West Bengal State Electricity Distribution Company Limited.
5. The learned Counsel appearing for the West Bengal State Electricity Distribution Company Limited submits that his client had to proceed as per the instruction of the said PHE department and unless necessary directions are issued, the said connection cannot be given.
6. Mr. Rahman, learned Counsel appearing for the Public Health and Engineering Department, State of West Bengal submits that the writ petitioner is occupying the quarter illegally which belongs to the PHE which is situated in the land of the Dima Tea Estate.
7. The learned Advocate for the writ petitioner disputes such submission and submits that he is occupying the land of Dima Tea Estate like several

other occupants who are being in permissive occupation.

8. Mr. Rahman further submits that proceedings for evacuation has already commenced and notice for evacuation is already issued and the writ petitioner is occupying the premises illegally. It is also submitted that necessary proceedings for evacuation is also under process.

9. Considering the facts and circumstances of the case and further considering the fact that the writ petitioner is not a rank trespasser, but he was under the permissive possession, but considering the fact that eviction proceedings are pending during the said proceedings, the writ petitioner cannot be deprived of electricity and such deprivation would amount to depriving of the right to life.

10. Thus the application made by the writ petitioner for grant of electricity connection be considered and electricity connection be given by the respondent West Bengal State Electricity Distribution Company Limited upon compliance of all necessary formalities.

11. However it is made clear that this grant is subject to the result of the eviction proceedings and in the event the PHE can obtain an order of eviction, the same will be binding upon the writ petitioner and his family members.

12. The electricity connection shall be given within a period of three weeks from the date of communication of this order. It is, however, made clear that the authority shall not insist any further for any no objection certificate.

13. In view of the above, WPA 1471 of 2024 stands disposed of.

14. Urgent certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(BISWAROOP CHOWDHURY, J.)