

Misc. Case 01/2024 (CIS 01 -2024)

Order no. 22
dated 26.08.2025

Today is fixed for report from Kurseong PS and further hearing of the petition filed by the petitioner.

Both sides files hazira.

The report from Kurseong PS has been received.

The matter is now taken up for further hearing in presence of Ld. Advocates of both sides in respect of the petition dt. 12.08.2025 filed by the petitioner.

Perused the report submitted by LSI Nikita Biswakarma of Kurseong PS.

In her report LSI has mentioned that petitioner Sushma Tamang residing with her nine year old son in a single room. A clear physical separation exists between the main home-stay building and the petitioner's room, the two structures divided by a boundary wall and a gated entrance. The gate was found to be locked and key is reported in the possession of the OP i.e. Kewal Rai. As per the statement of witnesses and the petitioner the main electricity connection registered under the name of the respondent Kewal Rai and meter for the property are located within the main home-stay building. From this main point, a supply light is connected to and MCB board which then distributes Power to the petitioner's room. The specific MCB supply electricity to the petitioner's room had been "Switched off" position and the petitioner has no access to the locked gate. The action has resulted in a completed disconnection of power to the dwelling place of the petitioner.

From the aforesaid report of the LSI it clearly appears that the averments made out by the petitioner in her petition dt. 12.08.2025, that she has been residing with her minor son in darkness is absolutely true. Ld. Advocate of the respondent on being asked, in respect of the LSI pleaded completed ignorance about the aforesaid state of affairs. From the report LSI. it also came into the notice of this Court that the main electricity connection lies within the possession of respondent and such electric connection, at this juncture has been found in switched off condition resulting complete darkness into the room of the petitioner. The petitioner stays in the said room along with her minor son who according to the Ld. Advocate of the petitioner, is a school going boy. In this circumstances, it is evident that such darkness is hampering the study of the minor child as well as causing severe inconveniences to the petitioner in her regular household course.

Taking into account all the above mentioned facts and circumstances, this Court does not have any other option than to pass an order by invoking Sec. 23(1) of PWDV Act, upon the respondent to immediately restore the electricity connection into the room of the petitioner by switching on the MCB supply. Any violation of the same shall call for lawful consequences for the respondent.

The IC, Kurseong PS is directed to oversee the procedure of restoring electric connection into the room of the petitioner by the respondent either by himself or by any of his subordinate Police officials.

Let a copy of this order sheet be sent to IC, Kurseong PS for necessary knowledge and compliance.

The matter be taken as extremely urgent.

In the light of above discussion, the petition dt. 12.08.2025 filed by the petitioner stands disposed of.

To **24.09.2025** for interim hearing.

Dict. & corrected by me

Sd/-
ACJM /Ksg.

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ACJM/Ksg.