

10.08.2026
Item No.29 (DL)
Court No.07
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 14727 of 2026

Basanti Sardar & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Sanjib Seth.

...for the petitioners.

Mr. Debanjan Mukherjee,

Ms. Oindrila Ghosal.

...for the CESC.

Mr. Purnasish Gupta,

Mr. Jayanta Kumar Mukhopadhyay,

Ms. Anindita Ghosh.

...for the respondent nos. 7, 9 & 10.

1. This writ petition assails an order dated April 29, 2025 passed by the District Magistrate, Howrah whereby the District Magistrate has disposed of a proceeding initiated in terms of the order dated December 20, 2022 passed by a co-ordinate Bench of this Court in WPA 7126 of 2021.

2. As already recorded in the order dated July 16, 2026, the petitioners had approached this Court earlier challenging the action of the respondent CESC Authorities in granting electricity connection to one Ula Sub-Centre, the respondent no.8 herein allegedly in violation of an order passed by a competent Civil Court.

3. The said writ petition was disposed of by a co-ordinate Bench of this

Court by an order dated December 20,2022 leaving it open to the petitioner to take appropriate steps in the civil suit itself without entering into the question of violation of the order of injunction as alleged. By the said order, the petitioners were granted liberty to approach the concerned District Magistrate having territorial jurisdiction over the area in question with the dispute raised in the writ petition pertaining to the allegation that electricity connection had been given to the respondent no.8 over the property of the writ petitioners.

4. In terms of the said order, the District Magistrate initiated a proceeding and by an order dated April 29, 2025 directed the Block Development Officer, Sankrail Block to conduct a joint field inspection along with BL & LRO, Sankrail Block and the District Engineer, CESC Limited, Howrah with prior intimation to the petitioners and the private respondent. The District Magistrate directed a report to be submitted within seven days of such inspection *“in order to ascertain the limit of the underground line of the electricity connection”*.

5. The petitioners are aggrieved by the said order since, in the concluding portion

thereof the District Magistrate has recorded
“The matter is thus disposed of”.

6. Mr. Seth, learned Advocate appearing on behalf of the petitioners submits that the District Magistrate has not carried out the command of this Court inasmuch as, by the order dated December 20, 2022 this Court had directed the District Magistrate to decide the issue as to whether the electricity line had passed over the petitioners' property.

7. It is submitted that in terms of the said order, it was incumbent on the District Magistrate to decide the issue which, but the District Magistrate has instead of deciding the issue, disposed of the proceeding by merely directing the Block Development Officer to conduct inspection and submit report within seven days.

8. Mr. Mukherjee, fairly submits that the proceedings cannot be disposed of without the decision in terms of the direction passed by this Court in WPA 7126 of 2021 being taken.

9. Mr. Mukherjee further submits that report in terms of the direction issued by the District Magistrate on April 29, 2026 has already been filed before the District Magistrate.

10. Mr. Gupta, learned Advocate appearing on behalf of the respondent nos.7, 9 and 10 has taken this Court though civil orders passed by this Court in WPA 7126 of 2022 as well as a writ petition filed by his client namely, (Purnima Naskar) to submit that the District Magistrate has acted in accordance with law.

11. Heard learned Advocates appearing for the respective parties and considered the material-on-record.

12. By the order dated December 20, 2022 passed by a co-ordinate Bench of this Court that the District Magistrate was directed to decide the issue as regards the allegation that electricity connection in question had been given over the property of the writ petitioners in the following words:-

“Since the appropriate authority win the contemplation of the Works of Licensees Rules, 2006, is the concerned District Magistrate, it would only be suitable if the dispute raised by the petitioners is referred to the District Magistrate for ascertaining whether or not the electricity connection has been taken over the property of the petitioners.

Accordingly, WPA No. 7126 of 2021 is disposed of by granting liberty to the petitioners to approach the concerned District Magistrate having territorial jurisdiction over the area-in-question

with the dispute as raised in the present writ petition, pertaining to the allegation that the electricity connection-in-question has been given over the property of the writ petitions. The District Magistrate, upon such reference, shall decide the issue in accordance with law upon giving adequate opportunity of hearing to all concerned, as expeditiously as possible, preferably within eight weeks from the date of such reference being made to the District Magistrate.”

13. Thus the proceeding that was initiated by the District Magistrate in terms of the aforesaid order could not have been disposed of without taking such decision as directed by this Court.

14. Indeed, directing inspection to be conducted and inspection report to be submitted before the District Magistrate can be a relevant part of the enquiry and a step towards taking the ultimate decision but the same itself cannot be the decision leading to disposing of the proceeding itself.

15. In such view of the matter, the impugned order dated April 29, 2025 insofar as the same directs the “*proceeding to be disposed of*” is set aside.

16. The District Magistrate shall take up the proceeding from the point it was left off

on April 29, 2025 and conclude the same in terms of the order dated December 20, 2022 passed by this Court in WPA 7126 of 2021.

17. Copies of the report that has been filed before the District Magistrate shall be supplied to all the parties and all the parties will be entitled to take exception thereto, in accordance with law within a period of two weeks from the date of supply of copies of the inspection report.

18. The District Magistrate shall fix appropriate dates for hearing the parties and shall take a decision in accordance with the directions contained in the order dated December 20, 2022 passed by the Co-ordinate Bench.

19. This Court notes that the order dated April 29, 2025 had directed the District Magistrate concerned to dispose of the proceeding as expeditiously as possible, preferably within eight weeks from the date of such reference being made to the District Magistrate. Since, substantial time has already elapsed after the reference being made and the proceeding has not progressed any further after the inspection report having been filed in terms of the order dated April 29, 2025, the District Magistrate is requested to take the proceeding

forward expeditiously and dispose of the same as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order.

20. Needless to mention that the District Magistrate shall take into consideration all the material-on-record and shall hear all the parties. It is clarified that this Court has not expressed any opinion on the merits of the matter at all.

21. WPA 14727 of 2026 stands disposed of. No costs.

22. 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.)