

09.09.2026
Ct. no.7
M/L.27
Samarpita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

WPA/17979/2026

HEMANTA MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Dyutiman Banerjee,
Mr. Debjit Dutta

... for the Petitioner

Mr. Kanak Kiran Bandyopadhyay
.. for WBSEDCL

1. The report filed by the WBSEDCL authorities as well as the exception thereto by the petitioner, are taken on record.
2. The petitioner complains of arbitrariness on the part of the respondent WBSEDCL authorities in not fully complying with the order dated September 21, 2023 passed by the District Magistrate, South 24 Parganas.
3. The petitioner had earlier approached this Court by filing WPA 22995 of 2022, praying for shifting of an electric pole erected by the WBSEDCL authorities on the petitioner's property for purpose of supplying electricity to its consumers.
4. By an order dated November 14, 2022, a Coordinate Bench of this Court had directed the petitioner to approach the District Magistrate, South 24 Parganas for redressal of the petitioner's grievances. In terms of

the said order, the District Magistrate, South 24 Parganas passed an order dated September 21, 2023, directing the Station Manager, Champahati Electricity Office to shift the electric pole erected on the petitioner's property from the petitioner's land to a place outside the iron grill gate owned by the petitioner within a period of two weeks.

5. The petitioner submits that although the pole has been shifted in terms of the order, such shifting has been done in such a manner that the wires supported by the pole still remain over the petitioner's property.
6. The WBSEDCL authorities refute such stand. It is submitted that the pole and the wires have been shifted out of the petitioner's property. According to them, the pole now stands on a panchayat road, and the electric line has gone over the boundary wall of the petitioner's land.
7. The petitioner submits that the report has been filed by the distribution licensee, with the intent of establishing the plaint case of the plaintiffs in Title Suit No. 466 of 2026 that has been instituted against the petitioner as well as the WBSEDCL authorities.
8. It is evident that the order dated September 21, 2023 directed the relevant Station Manager, WBSEDCL to shift the electric pole from the petitioner's property to any location outside the iron grill gate owned by the petitioner. The pole would definitely mean the electric line as well.

9. If the petitioner feels that the order dated September 21, 2023 has not been complied with, the petitioner would be at liberty to approach the said District Magistrate who passed the aforesaid order and ventilate his grievances before the said authority.
10. If such representation is made before the District Magistrate, South 24 Parganas, would consider and dispose of the same in accordance with law, by a reasoned order, upon hearing the petitioner as well as the WBSEDCL authorities, within a period of eight weeks from the date of making of the representation.
11. Insofar as the petitioner's grievance that the report of the WBSEDCL authorities, in effect, establishes the plaint case of the plaintiffs in Title Suit No. 466 of 2026 instituted before the learned Civil Judge (Junior Division), First Court at Baruipur is concerned, since this Court has not decided any issue that may concern the plaintiffs in the said suit and the petitioners herein, the petitioner's apprehension in such regard cannot be said to be well-founded.
12. It is clarified that nothing observed herein would prejudice any of the parties (i.e. the plaintiffs, the petitioner and WBSEDCL) in Title Suit No. 466 of 2026 pending before the learned Civil Court. All parties would be free to urge all points before the learned Civil Court in accordance with law.
13. With the aforesaid observations, **WPA 17979 of 2026** stands disposed of. There will be no order as to costs.

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

(Om Narayan Rai, J.)