

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/182/2025

Shri. Subal Roy

Vs.

The Superintending Engineer and Others

Mr. Ananda Halder	... for the petitioner
Mr. S C Mishra	... for the respondent nos.1&2
Mr. Supreet Sharma	... for the respondent nos.3 & 4

July 10, 2025
[Manoj]
Item No. 9

The petitioner applied for an electricity connection before the concerned Assistant Engineer, Swaraj Dweep, in respect of a cow shed standing on Survey No. 442 situated at Govinda Nagar Village, Swaraj Dweep.

The petitioner claims to be a co-owner of the said plot. He does not dispute that the private respondents are also co-owners. Both the petitioner and the private respondents claim ownership over the land in question on the strength of a registered Will executed by one Sarat Chandra Roy (since deceased). It is submitted by both parties that they are beneficiaries under the said Will.

The petitioner further submits that he has applied before the concerned Tehsildar for mutation of the land in the joint names of the beneficiaries of the Will.

The petitioner's application for electricity connection was not considered, inter alia, on the ground that he failed to

submit a No Objection Certificate (NOC) from the Agricultural Department, Andaman and Nicobar Administration, as well as from the private respondents, who are the other co-owners.

In the facts of the present case, the insistence on furnishing an NOC from the private respondents is uncalled for. It is well settled that the grant of an electricity connection does not confer any right, title, or interest in respect of the property. Therefore, the proposed electricity connection, if granted, shall not create any proprietary right in favour of the petitioner over the land in question. Any dispute relating to title shall be adjudicated by the competent civil court.

The petitioner, being in settled possession of the cow shed, ought to have been provided with an electricity connection.

It is noted that the petitioner described the connection in his application as being in respect of agricultural land. However, learned counsel for the petitioner submits that the land is classified as "Hilly Land" in the relevant revenue records. Hence, the petitioner inadvertently applied for a connection treating the land as agricultural.

In view of the above, liberty is granted to the petitioner to submit a fresh and appropriate application before the concerned authority. If such an application is made, the same shall be considered by the respondents in accordance with law and in light of this judgment, within a period of three weeks from the date of receipt of such application.

The concerned respondents shall not insist on a No Objection Certificate from the Agricultural Department if the land is not recorded as agricultural land in the relevant land records.

Accordingly, WPA/182/2025 is disposed of.

(Kausik Chanda, J.)