

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

BEFORE:

THE HON'BLE JUSTICE OM NARAYAN RAI

WPA 21296 OF 2026

M/S. S.A. PRINTERS & ANOTHER

...PETITIONERS

-VERSUS-

CESC LIMITED & OTHERS

...RESPONDENTS

For the Petitioners : Mr. Manas Kumar Barman, Adv.

For the CESC Limited : Mr. Suman Ghosh, Adv.

For the Respondent Nos. 4 to 6 : Mr. Tanmay Mukherjee, Adv.
Md. Dilawar Khan, Adv.
Mr. Rupnath Mallick, Adv.

For the State : Mr. Manju Agarwal, Ld. AGP,
Ms. Sristi Barman Roy, Adv.
Mr. Tarun Kumar Jana, Adv.

Heard on : 16.09.2026

Judgment on : 16.09.2026

OM NARAYAN RAI, J.:-

- 1.** The writ petitioner alleges arbitrariness on the part of the respondent CESC authorities in not effecting electricity supply in favour of the petitioner despite alleged clearances have been given by the Kolkata Municipal Corporation and the Police Authorities.
- 2.** The petitioner claims to be a tenant in respect of premises no. 121/4K, Manicktala Main Road, Kolkata – 700054.
- 3.** The petitioner has applied for electricity connection allegedly for the purpose of a printing press which is run under the name and style of M/s. S.A. Printers. The CESC authorities have not granted electricity supply to the petitioners despite their application, hence this writ petition.

4. Learned advocate appearing for the petitioner submits that initially, upon electricity supply applied for, the CESC authorities give the petitioner to understand that the entrance of the subject premises was blocked by a garbage dump.
5. The petitioner therefore approached the Kolkata Municipal Corporation authorities who cleared the garbage and issued a certificate to that effect. In such connection, the learned advocate appearing for the petitioner relies on a hand written note appended to a representation dated November 13, 2025 made by the petitioner to the Executive Engineer, Building Department.
6. It is submitted that upon the same bring communicated to CESC authorities; they took a different stand and gave the petitioner to understand that there was an objection raised by the private respondent. CESC authorities then expressed their inability to provide electricity connection to the petitioner till such time that the petitioner either obtained the assistance of Police or got the objection removed.
7. It is submitted that thereafter the petitioner approached the Police Authorities who also issued a no objection in favour of the petitioner in writing. In such regard, the petitioner relies on another hand written note appended to a letter written by the petitioner to the Officer-in-charge, Manicktala Police Station that was received by the said Police Station on November 26, 2025.
8. It is further submitted by the learned advocate appearing for the petitioner that the private respondent as landlord had instituted a suit for eviction by the petitioner but the said suit ended in dismissal for default on January 09, 2025. It is further submitted that the petitioner, apprehending dispossession, has filed Title Suit No. 470 of 2025 in the Court of the learned Civil Judge (Junior Division), 2nd Court, at Sealdah wherein, upon the petitioners' application an order of injunction has been passed restraining the private respondents from disposing the petitioner without following due course of law.

9. It is submitted that despite all formalities having been complied with, the petitioner has not been afforded electricity supply by the respondent CESC authorities.
10. Mr. Ghosh, learned advocate appearing for the CESC authorities submits that electricity supply could not be effected in favour of the petitioner at the relevant premises inasmuch as the relevant premises has itself been ordered to be demolished by the Kolkata Municipal Corporation.
11. It is submitted that the order of demolition was challenged by way of a writ petition being WPA 21796 of 2025 by one of the tenants of the said premises and such challenge to the order of demolition was repelled by a Co-ordinate Bench of this Court by an order dated September 22, 2025 observing that allowing the building to stand would pose serious safety risks.
12. Mr. Mukherjee, learned advocate appearing for the private respondents submits that the subject building is absolutely dilapidated and allowing the same to stand would poses serious danger to life and property. It is submitted that it was in such context that the order of demolition was passed and the same was sustained by this Court in WPA 21796 of 2025 filed by one of the tenants under the private respondent.
13. He invites attention of this Court to paragraph 4 of the said order dated September 22, 2025 and submits that in the said case also, the tenant/writ petitioner who had approached this Court was enjoying an order of injunction against the private respondent however, the said fact did not impress the Court.
14. Learned advocate appearing for the State respondents hands up to Court a copy of the written instructions forwarded to her by the Officer-in-Charge, Manicktala Police Station. The same is taken on record.
15. Heard learned advocates appearing for the respective parties and considered the material on record.

- 16.** Although, the hand written notes appearing on the letter dated November 13, 2025 (annexure P-2 at page 26) and the undated letter received by the Officer-in-Charge, Manicktala Police Station on November 26, 2025 on which, the petitioner places strong reliance, fail to inspire confidence of the Court yet, even if, the same are assumed to be true and taken at face value, then also in the wake of the gory facts of the present case, no direction to effect electricity supply to a condemned premises can be passed.
- 17.** The order dated September 22, 2025 passed by a Co-ordinate Bench of this Court in WPA 21796 of 2026 relates to the same premises whereat the writ petitioner seeks electricity supply. The order pertinently records as follows:-

“21. In the present case, a portion of the building has already collapsed and the remaining structure is in imminent danger of falling. It was, therefore, incumbent upon the respondent-corporation to take immediate preventive measures to safeguard human life. The action taken under Section 412(2) of the Kolkata Municipal Corporation Act, directing the petitioner to vacate the premises to facilitate demolition cannot be faulted. The petitioner has already instituted a title suit to establish his tenancy rights, which he is at liberty to pursue before the competent forum. The judgment relied upon by the petitioner is distinguishable on facts, as no material has been placed on record to record to substantiate the allegation that the private respondents acted in collusion with the corporation to evict the petitioner. The demolition and vacation orders have been passed solely in view of the imminent threat posed to public safety. It is further observed that a dilapidated and unsafe structure cannot be allowed to stand merely for the preservation of tenancy rights.

22. The petitioner shall be at liberty to remove the articles claimed by him from the godown. To facilitate such removal, the petitioner may submit an application to the respondent corporation. Upon receipt of a proper application, the respondent-corporation shall permit the petitioner to remove the said articles and shall grant him liberty to do so within 24 hours from the filing of the application.”

- 18.** The aforesaid observations of the Co-ordinate Bench do not leave any manner of doubt as regards the dangerous condition of premises No. 121/4K, Manicktala Main Road, Kolkata.

- 19.** Section 43 of the Electricity Act, 2003 mandates supply of electricity on the application of any person at the relevant premises whereof such person is owner or occupier subject to the other provisions of the 2003 Act which include safety and security of the persons as well as property at and around the relevant premises.
- 20.** In the present case - where there is serious risk of safety and the premises itself is liable to be fully demolished as indicated hereinabove, due to its dilapidated condition - a mandatory direction on the respondent distribution licensee to effect electricity supply to such premises, is wholly unwarranted. Thus, no case has been made out for issuing a writ of mandamus upon the respondent CESC authorities for effecting electricity supply in favour of the petitioner.
- 21.** For all the reasons aforesaid, this writ petition is not entertained. Accordingly, WPA 21296 of 2026 stands dismissed. No Costs.
- 22.** Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties on urgent basis after completion of necessary formalities.

(Om Narayan Rai, J.)

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