

(2011) 04 CAL CK 0118
In the Calcutta High Court
Case No : Writ Petition No. 7182 (W) of 2011

Khalil Mondal

APPELLANT

Vs

The West Bengal State Electricity Distribution Company Ltd.
and Others

RESPONDENT

Date of Decision : 28-04-2011

Acts Referred:

Citation : (2011) 04 CAL CK 0118

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Biswajit De and Panchanan Hajra, for the Appellant; Jayanta Basu, for the Respondent

Final Decision : Dismissed

Judgement

Jayanta Kumar Biswas, J.—The Court: The Petitioner is alleging that though in view of the decision of the authority concerned at p.18 the private Respondent is not entitled to operate any submersible pump for extraction or use of groundwater, the licensee under the Electricity Act, 2003 has not disconnected supply of electricity given to the private Respondent for operating his pump.

2. I do not find any reason to interfere in the matter in exercise of power under Article 226. If the private Respondent is not entitled to operate any pump for extraction or use of groundwater, then he is liable to be prosecuted under provisions of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005. The authority is to consider the question of prosecution. The licensee under the Electricity Act, 2003 has nothing to do and a mandamus cannot be issued asking it not to help the private Respondent to operate any pump. Whether the pump is illegal is to be examined by the authority under the 2005 Act. Needless to say that if anybody commits offence under the 2005 Act, then the competent authority is free to prosecute him. On the facts, the Petitioner is not entitled to any relief from the Writ Court.

3. For these reasons, the petition is dismissed. No costs. Certified xerox.