

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 286/2023

Sri Punyakrit Debbarma & 3 ors. Petitioner(s)
Vs.
The State of Tripura and 2 ors. ... Respondent(s)

For Petitioner(s)	:	Mr. PK Biswas, Sr. Advocate Mr. H. Nath, Advocate
For Respondent(s)	:	Mr. N. Majumder, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

31/05/2023

Heard Mr. PK Biswas, learned senior counsel assisted by Mr. H. Nath, learned counsel appearing for the petitioners. Also heard Mr. N. Majumder, learned counsel appearing for the respondents-TSECL.

By means of filing the writ petition, the petitioners have prayed for the following reliefs:

- “(i) Admit the instant writ petition;**
- (ii) Issue notice upon the respondents;**
- (iii) Issue RULE calling upon the respondent to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued directing the respondents to disconnect the electricity connection provided to the shop-keeper-possessors i.e. the private respondents of WP(C) 207 of 2010 and also the appellants of W.A. 32 of 2017 and the petitioners of I.A. 02 of 2021;**
- (iv) Issue RULE calling upon the respondent to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued directing the respondents to produce the records relevant;**
- (v) After hearing the parties be pleased to make the Rule absolute, issuing direction to the respondents.”**

The impugned order dated 28.03.2023, challenged herein by the petitioners, is reproduced here-in-below:

**“TRIPURA STATE ELECTRICITY CORPORATION LIMITED
(A Govt. of Tripura Enterprise)**

Office of the Senior Manager, Electrical Sub-Division No.-III, Bordowali (Rural)

No. F.3(2)/SM/ESD-III/BDL/2022-23/540-544

Date: 28.03.2023

Ref. No: Nil Dated 24.03.2023 for Court case(C) 132/2022

To,
Sri Ranadhir Debbarma
S/o Lt. Biswa Ranjan Debbarma
Jagannath Bari Rd. Krishnanagar
Agartala
Sub: Disconnection of electric line of businessman at Siddhi Asram Bazar
Sir,

In correspondence to your letter vide above Ref. No. I want to state that we already had served Notice to the maximum commercial consumers of that location for payment of outstanding amount of electric bill. But they did not pay because they will not use the premises in future. In this situation I need 10(Ten) days to settle the matter and thus avoiding revenue loss of TSECL.

Yours faithfully
Sd/Senior Manager
ESD-III, Bordowali (Rural)
TSECL, Agartala"

The background of the instant writ petition is that the writ petitioner and others are the owners and possessors of the land in question. There were so many unauthorized occupants over the said land. From the order dated 21.03.2023 (page 16 of the writ petition), it comes to fore that all those illegal occupiers had vacated the land in favour of the petitioners, but the electric connection have not been disconnected by the respondents-TSECL. The petitioners, on 28.03.2023 had made a prayer to the respondent no. 3 to disconnect the electricity connection and remove all the electric structures. In response to that letter (Annexure 3 to the writ petition), the Electricity Department i.e. the respondents herein, have sought for 10 (ten) days days time vide communication dated 28.03.2023 addressed to one of the petitioners, namely, Sri Ranadhir Debbarma, but till today the electricity connections which were given to the unauthorized occupants have not been disconnected due to non-payment or non-clearance of the electricity bills by the unauthorized occupants.

The Electricity Department cannot deprive the petitioners from their lawful possession over the land in question.

At the very outset, the Electricity Department has committed serious illegalities in providing electricity connections in favour of those unauthorized occupants because they have no right to pray for electricity connection for their respective shops. The petitioners have taken over the possession of the land in question by order of this court, and any obstruction for such peaceful possession of the land by the petitioners will amount to illegal and arbitrary interference with the order of the court, which may tantamount to initiation of Contempt of Courts proceeding against the respondents.

In view of this, I direct the concerned Electricity Department to immediately disconnect the electricity connection and make the land free from any electricity posts or any kind of live wires through which the current passes, within a period of 2 (two) weeks from today.

With the aforesaid order, the instant writ petition stands allowed, and thus, disposed.

Copy of this order be supplied to Mr. N. Majumder, learned counsel for respondents no. 2 and 3.

JUDGE