

WPA 948 of 2020
(Through Video Conference)

Sushanta Naskar
Vs.
The Station Manager and Assistant Engineer & Ors.

Mr. Lakshminath Bhattacharya
... For the petitioner.

The petitioner alleges that without any notice and consent, West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL) had erected poles and have drawn electric line over the landed property of the petitioner. The petitioner also alleges that no compensation has been paid to the petitioner for causing damages to his property by erecting poles. The petitioner says that he has lodged a complaint with the District Magistrate, South 24-Parganas, on 16th May, 2019 but the same has remained undecided. It is, therefore, not clear whether the District Magistrate has received the petitioner's complaint. The District Magistrate under the West Bengal Works of Licenses Rules, 2006 is the competent authority to decide any objection regarding the work carried out by a licensee.

It appears from page 16 of the writ petition that the said complaint was dispatched on 20th May, 2019.

The respondents remain unrepresented and

as such their version is not available.

The writ petition should not be kept pending in view of the limited prayer for consideration of the representation as made by the petitioner. The petitioner is granted liberty to make a fresh complaint before the District Magistrate, South 24-Parganas within 22nd December, 2020, ventilating all his grievances against the work carried out by the Licensee (WBSIEDCL) which allegedly affect him. In the event, the petitioner makes such complaint in terms of this order, the concerned District Magistrate shall decide the same within 45 days from the date of receipt of the complaint, after giving a reasonable opportunity of hearing to the parties. The District Magistrate will be free to decide on the form of hearing to be given to the parties i.e., whether physical hearing or hearing through virtual mode, but strict adherence to the principle of natural justice should be made. The District Magistrate, immediately upon passing the order, shall communicate the same to the petitioner.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondent.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Arindam Mukherjee, J.)