

10.12.2020
D/L- 32
(PP)

WPA 2148 of 2020
Shahalam Sk.
Vs.
The State of West Bengal & Ors.

Md. Hasanuz Zaman

....for the petitioner.

Ms. Mitali Bhattacharya

....for W.B.S.E.D.C.L.

The petitioner says that a transformer for high-tension electric supply has been installed in front of his premises and seeks removal of the same therefrom. The petitioner says that though he has made representation to the officials of West Bengal State Electricity Distribution Company Limited (in short, “WBSEDCL”) as also to the District Magistrate, Murshidabad, the petitioner’s representation still remains unattended.

On behalf of WBSEDCL, it is submitted that the transformer had been installed at the place-in-question more than 50 years back when the area was a remote rural area. The petitioner with his eyes wide open has purchased the plot of land when the transformer was already in existence. The said transformer caters to the need of millions of people and as such the petitioner cannot seek for its removal or relocation. WBSEDCL further submits that the transformer has not been installed in the land owned by the petitioner. It is further submitted by WBSEDCL that the issue does not fall within the ambit of Rule 3 of the West Bengal Works of Licensees Rules, 2006 (hereinafter referred to as the said Rules) and as such the matter cannot be referred to the District Magistrate.

Be that as it may, the petitioner has made a representation before the District Magistrate,

Murshidabad (being Annexure – ‘P-2’ at pages 33-34 of the writ petition), which is said to have been received by the District Magistrate on 18th October, 2019.

The District Magistrate, Murshidabad (respondent no.3) should dispose of the representation within a period of three months from date after hearing the parties. The District Magistrate shall be free to decide on the mode of hearing but adherence to principles of natural justice should be complied with.

All points including the objections raised by WBSEDCL that the matter does not come within the ambit of Rule 3 of the said Rules are kept open and can be agitated before the District Magistrate. This order in no manner shall be construed as bestowing upon the concerned District Magistrate the authority under Rule 3 of the said Rules. The respondent no.3 shall also decide on his jurisdiction while disposing of the petitioner’s representation.

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

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

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

(Arindam Mukherjee, J.)