

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2914 of 2020
(Through Video Conference)

Pravash Chandra Sardar
Vs.
The State of West Bengal & Ors.

Ms. Shika P. Chowdhury,
Mr. Md. Giasuddin Mulla
... For the petitioner.

Ms. Mitali Bhattacharya
For WBSEDCL

The petitioner objects to the low-tension electricity line being drawn by West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL) by erecting a pole over his land.

The petitioner says that representations have been made even to the District Magistrate, North 24-Parganas, but such representation has remained unresolved. The representation to the learned District Magistrate dated 14th February, 2018 is annexed at page 15 to the writ petition. The District Magistrate is the respondent no.3 in the instant writ petition. No one appears to represent the said District Magistrate.

WBSEDCL, is represented. It is submitted by WBSEDCL that the petitioner's grievance is unfounded and made at a belated stage to upset the

supply of electricity.

After going through the materials on record and hearing the parties represented, I find that the matter complained of is covered under West Bengal Works Licensees Rules, 2006. The District Magistrate of the concerned area is the authority who is required to be approached in such disputes. The petitioner, as appears from the writ petition, has already approached the District Magistrate, North 24-Parganas. The said representation dated 14th February, 2018 was sent by Post on 16th February, 2018. The track report shows delivery on the concerned District Magistrate. It is, unfortunate, that the District Magistrate despite receiving the said representation has not resolved the matter even after expiry of two and a half years.

In the facts and circumstances as aforesaid, the respondent no.3, being the District Magistrate, North 24-Parganas, is directed to dispose of the petitioner's representation dated 14th February, 2018, by a reasoned order after affording an opportunity of hearing to the parties within two months from the date of communication of this order. The concerned District Magistrate shall be free to decide the mode of hearing, but shall ensure that principles of natural justice are adhered to.

All parties, including the District

Magistrate, shall act on the basis of a server copy of this order, without insisting upon a certified copy thereof.

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.

(Arindam Mukherjee, J.)