

SL 35  
(suvendu)  
Ct. No. 23  
17.12.2020

**W.P.A. 5229 of 2020  
(Via Video Conference)**

**Md. Abujar Mallick  
Vs.  
The State of West Bengal & Ors.**

Md. Younush Mondal

... For the petitioner

The petitioner complains of the damage caused to the petitioner's land due to erection of pole by Power Grid Corporation of India Limited (for short. "PGCL"), being the respondent no.3, for the purpose of drawing high-tension electric line. The petitioner says that the petitioner's livelihood is at stake due to the damage caused to the petitioner's property. The petitioner tries to impress upon this Court as to a dispute between the right guaranteed for owning a property and deriving agricultural income therefrom vis a vis the right to receive electricity. The petitioner refers to paragraph no.3 of the writ petition and says that installation of high-voltage pole on petitioner's property is illegal and any compensation for such damage would amount to grant of alms.

The provisions of the Indian Telegraph Act, 1885 read with the Electricity Act, 2003 and the Rules framed thereunder are absolutely clear with regard to petitioner's connection. If the petitioner is aggrieved by

any action on the part of the licensee, he has to ventilate his grievances before the concerned District Magistrate and the said District Magistrate on being approached will assess the compensation that may be payable for the damages caused due to the work of the licensee on the petitioner's land. The petitioner says to have submitted a mass petition on 28<sup>th</sup> January, 2020 before the District Magistrate, 24 Parganas (North). But such representation has remained pending.

Considering the present situation and that a national lockdown was declared on 23<sup>rd</sup> March, 2020 and the representation remaining pending for a considerable period of time, I dispose of the writ petition by permitting the writ petitioner to make a fresh representation on the issues concerning the work of the licensee (PGCL) before the District Magistrate, 24 Parganas (North) within 31<sup>st</sup> December, 2020. The Magistrate, if approached, shall decide the representation and pass a reasoned order within a period of three months from the date of the representation of the petitioner after hearing the parties and shall communicate the same to the parties within seven days upon the same being passed. The Magistrate shall be free to decide as to the mode of hearing but shall adhere to principles of natural justice.

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

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Urgent xerox certified copy, if applied for, shall be given to the parties on usual undertakings.

**(Arindam Mukherjee, J.)**