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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6929 of 2020
(Through Video Conference)

Masrufa Mallick
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. S. G. Chowdhury
... For the petitioner.

Mr. Srijan Nayak,
Ms. Rituparna Maitra
... For WBSEDCL

Mr. Sumit Kumar Panja,
Mr. Sumit Ray
... For the WBSETCL

Pursuant to the order dated 4th December, 2020, West Bengal State Electricity Transmission Company Limited (in short, WBSETCL), has been added as respondent no.6.

The petitioner alleges that a tower for drawing a high-tension line is sought to be erected on the petitioner's land. The petitioner has objected to such installation.

On behalf of WBSETCL, it is submitted that a public notice was inserted in newspaper in 2017 inviting objection regarding the work and only after expiry of the notice period for raising objection the work was proceeded with. A major portion of the

work for drawing the high-tension line has been completed. WBSETCL, further says that millions of people are suffering due to the single objection of the petitioner. According to WBSETCL, the law is very clear and the petitioner is only entitled to compensation for the damages caused to him for the work done by the licensee. The compensation has to be assessed by the learned District Magistrate of the concerned district.

The submission as to the stage and completion of work submitted by WBSETCL, is, however, disputed by the petitioner. The petitioner says that there is a possible alternative way for drawing the high-tension line which will not interfere with petitioner's land and WBSETCL, should explore the same.

On behalf of WBSEDCL, it is submitted that they have no role to play in the erection of poles and drawing up the high-tension line. WBSEDCL, being distribution company will come into the picture only after the high-tension line is energized.

Considering the materials on record and the submissions made on behalf of the appearing parties, the petitioner's case is relegated for being considered and adjudicated by the learned District Magistrate, Hooghly.

The petitioner is permitted to make a

representation, ventilating all his grievances with regard to the execution of work and/or the work proposed to be executed by WBSETCL, which has caused damage or likely to cause damage to the petitioner. The petitioner shall approach the concerned District Magistrate within 25th December, 2020.

Considering that the high-tension line is of utmost importance and any delay in laying the same will not only cause hardship to several but will also increase the expenditure, the District Magistrate is directed to dispose of the petitioner's representation, if made, within a month from the date of such representation after affording a reasonable opportunity of hearing to the petitioner and the WBSETCL. 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.)