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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8508 of 2020
(Through Video Conference)

Sampatlall Chhajer
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Rajarshi Chatterjee
... For the petitioner.

Mr. K. K. Bandopadhyay
..... For WBSEDCL.

Mr. Pratyush Patwari
.... For the respondent no.5

The petitioner says that a high-tension line passing over his land is causing detriment to him. The petitioner further says that there is an alternative way for drawing the high-tension line and the licensee should explore the technical feasibility to change the route of the high-tension line through the alternative way.

There is, however, a dispute from the own version of the petitioner as to when the said high-tension line was drawn and energized. It is also not clear as to why the petitioner did not raise any objection when the high-tension line was drawn.

On behalf of the respondent no.5, (private respondent) it is submitted that the writ petition is

not maintainable. The private respondent further submits that the high-tension line according to the petitioner's statement in the writ petition, is in existence since 1987. The petitioner cannot raise disputes as to passing of the line over his land at such a belated stage. Moreover, if an alternative route for drawing up the high-tension line is adopted, the same is likely to affect the respondent no.5, who claims to carry on business in the vicinity with the electricity supplied by the WBSEDCL.

On behalf of WBSEDCL, it is submitted that the high-tension line is in existence for more than two decades and the line is active. There is no alternative way of drawing the line. The petitioner has raised his grievance at a much belated stage and is attempting to create mischief. No relief should be granted to the petitioner.

The submission made on behalf of WBSEDCL, that the line is active is, however, disputed by the petitioner. According to the petitioner, the line is in existence but it is not energized and as such, inactive.

Considering the nature of dispute, the only order that can be passed is by directing the petitioner to approach the concerned District Magistrate to ventilate his grievances.

Let the petitioner file a representation

before the concerned District Magistrate, Birbhum, within 31st December, 2020. The District Magistrate, if approached, after affording reasonable opportunity of hearing to the parties shall dispose of the same within a period of three months from the date of such representation.

The concerned District Magistrate shall be free to decide the mode of hearing, but shall ensure that principles of natural justice are adhered to.

It is made clear that I have not gone into the merits of the matter and the factual aspects recorded in the order are as per the submissions made by the parties.

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.)