

Ct. 23
Item No.19
15.12.2020
(suvendu)

WPA 8847 OF 2020

**Shankari Mukherjee
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. K.M. Hossain
..... for the petitioner

Mr. Sumit Kumar Panja
Mr. Sumit Rayfor the WBSETCL

Mr. Tapas Kumar Adhikari
.....for the State

The petitioner says that an electricity pole for drawing a high-tension line has been erected on a plot of land of which the petitioner is one of the co-owners. The petitioner says that West Bengal State Electricity Transmission Company Limited (for short, "WBSETCL") has given compensation of only Rs. 50,000/- to the petitioner's son namely Gopal Mukherjee and has not paid any other sum either to said Gopal Mukherjee or any of the other co-owners. The petitioner further says that for a similar type of pole one of the neighbours of the petitioner has received from Damodar Valley Corporation (for short, "DVC") a sum of Rs. 2,37,320/-. The petitioner, therefore, complains of that the compensation awarded by the WBSETCL is a paltry sum and it should be much higher than the said sum of Rs. 50,000/- already paid to the petitioner's son.

On behalf of WBSETCL it is submitted that the compensation has been fixed and the same was paid to Gopal Mukherjee on 7th December, 2016 subsequent to paper publication inviting objection from the land owners on whose land the work of erecting poles and drawing the high-tension line for providing service to Panagarh Industrial Park and adjacent areas for voltage stability and allied purposes. The said Gopal Mukherjee accepted the compensation for all the co-owners. The advocate for WBSETCL produces a photo copy of a document said to have been signed by Gopal Mukherjee to demonstrate that the compensation was received without any protest and was for all the co-owners. The line was completed and energized on 11th September, 2020. It is submitted by WBSETCL that the petitioner is trying to re-open the compensation issue without having protested against the same when the compensation was actually awarded and paid. WBSETCL further submits that compensation arrived at by DVC cannot be a yardstick for granting the compensation by WBSETCL to the petitioner and/or to the co-owners of the petitioner's land. The submissions made on behalf of WBSETCL with regard to the payment of the full compensation is disputed by the petitioner.

After hearing the parties and considering the materials on record, two separate issues emerge – one is *inter se* dispute between the petitioner and his son who had admittedly received a compensation of Rs. 50,000/- was only for himself and/or on behalf of all other co-owners including himself. The writ court cannot go into

such disputes. So far as the other issue regarding the quantum of compensation is concerned, the petitioner has to ventilate his grievances before the concerned District Magistrate if the petitioner is dissatisfied with the compensation amount. The petitioner though has approached this Court at a belated stage challenging the quantum of compensation, yet the line having been energized only on 11th September, 2020, the matter is not that old to hold that the petitioner's case is a closed case. I am alive to the situation that compensation was received on 7th December, 2016 that is more than three years before. Yet for the ends of justice, I permit the petitioner to approach the concerned District Magistrate within 23rd December, 2020 for the purpose of ascertaining whether any further sum over and above Rs. 50,000/- is required to be paid for utilization of the land by WBSETCL of which the petitioner is one of the co-owners. The concerned District Magistrate, if approached, shall give a hearing to the parties and dispose of the matter by passing a reasoned order within a period of three months from the date of which the said Magistrate is approached by the petitioner. The Magistrate shall be free to decide the mode of hearing but will ensure that the principles of natural justice are adhered to. The District Magistrate shall look into the matter afresh and all points including the objection of WBSETCL is kept open except the delay. The Magistrate should decide the matter without being influenced by the instant order.

The writ petition is disposed of accordingly 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 of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)