

07.12.2020
D/L- 25
(PP)

WPA 8881 of 2020

Debabrata Biswas
Vs.
The District Magistrate, Hooghly & Ors.

Mr. Niladri Sekhar Ghosh,
Mr. Mujibar Ali Naskar,
Ms. Srimoyee Mukherjee

....for the petitioner.

Mr. Sumit Kumar Panja,
Mr. Sumit Ray

....for W.B.S.E.T.C.L.

The petitioner says that West Bengal State Electricity Transmission Company Limited (in short, “WBSETCL”), the licensee for the purpose of drawing the high-tension electric supply line has made certain constructions in the petitioner’s land. The work, according to the petitioner, was done all on a sudden by WBSETCL without notice to the petitioner and without paying any compensation. The petitioner has made several representations including one dated 8th October, 2020 to the District Magistrate, Hooghly, the Chairperson, West Bengal Electricity Regulatory Commission and the Chairman, WBSETCL. The representations remain unresolved.

On behalf of WBSETCL, it is submitted that public notice was given in two daily newspapers, namely, The Indian Express (English) and Bartaman (Bengali vernacular) on 5th August, 2017 inviting objections

from the landowners against the proposed work for laying out high-tension line. The petitioner did not lodge any protest within the time frame as provided in the public advertisement. The work is almost complete. The petitioner has approached this Court at a belated stage. No landowner in the locality has objected to the laying of the high-tension line except the petitioner. The laying of the high-tension line is for the benefit of millions and if stopped, likely to affect public at large and also increase the expense putting pressure on the public exchequer. It is further submitted by WBSETCL that no work has been carried out on the land of the petitioner. None of the posts are either situated in the petitioner's land or required to be erected thereat. Only the high-tension wires connected between one pole to the other will pass over the land of the petitioner.

This submission is, however, disputed by the petitioner who says that the base or the platform on which a pole is erected had been made at the petitioner's land. The petitioner says that in the event WBSETCL does not require the petitioner's land, then there is no question of the petitioner proceeding further with the application at this stage.

Since it is submitted by Mr. Panja appearing on behalf of WBSETCL that his submission may be recorded that WBSETCL does not require the

petitioner's land for constructing any tower or for any other purpose for the present except for drawing the line over the petitioner's land, the writ petition is disposed of without any order on the petitioner's assurance to cooperate at the time of drawing the high-tension line

It is made clear that in the event WBSETCL requires the petitioner's land in future for any purpose other than initial laying of the transmission line, the petitioner will be at liberty to take such legal steps as may be advised.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

(Arindam Mukherjee, J.)