

Sl No.38
17.02.2020.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 250 of 2020
Animesh Mohanta & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Debjit Kundu
...for the Petitioners.

Mr. Subhasis Chakraborty
...for the respondent no.4.

Mr. Debabrata Dhar, Id AGP
Ms. Paramita Sahu
... for the State.

The petitioners claim that they are the owners of certain plots of land which were utilized by the Power Grid Corporation of India Limited for the purpose of laying down telegraph lines and posts. Notice under Sections 10 to 19 of the Indian Telegraph Act, 1885 was issued in favour of the predecessor-in-interest of the petitioner no. 1 and to the petitioner nos. 2 and 3 in 2005.

According to the petitioner nos. 1 and 3, they did not receive any compensation on account of damage caused to their lands. The petitioner no. 2 submits that he has received a very nominal compensation.

All the petitioners made representation before the learned District Magistrate, Jalpaiguri Sadar for payment of adequate compensation on account of damage caused to their lands.

The learned advocate representing Power Grid Corporation of India Limited submits that compensation was duly paid in favour of the persons whose lands have been damaged or disturbed. Cause of action of the instant case arose sometime in 2005 and

the petitioners have immensely delayed in approaching the Court.

After hearing the submissions made on behalf of both the parties it appears that the petitioners though made the representation but it was not before the appropriate authority according to the provisions of the Indian Telegraph Act, 1885. The learned District Judge within whose jurisdiction the property is situated is the appropriate authority to consider all the representations and the prayers of the aggrieved party. No representation appears to have been made before the learned District Judge.

Accordingly, leave is granted to the petitioners to approach the learned District Judge by filing a composite application annexing documents in support of their claim within four weeks from date.

In the event, such a representation is made the same shall be considered by the appropriate authority being the learned District Judge, strictly in accordance with law, within a period of ten weeks thereafter. The learned District Judge shall afford an opportunity of hearing to all the parties prior to passing a decision in the matter. The learned District Judge shall pass a reasoned order and communicate the same to the necessary parties within a fortnight thereafter.

It is made clear that this Court has not gone into the merits of the case and all points are left open to be decided by the appropriate authority at the time of consideration of the representation made by the petitioners.

WPA 250 of 2020 is disposed of.

Urgent photostat certified copy of this order if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)