

08.03. 2021
jb.

W.P.A. 4803 of 2021
(Nidhirath Sikder vs. State & Ors.)

Mr. Raja Biswas
Mr. Abhijit Sarkar
.... For the Petitioner

Mr. Amit Baran Dash
.... For the Respondent No. 8

The petitioner and the private respondent are brothers.

It is alleged on behalf of the petitioner that the respondent Distribution Company has installed a high voltage electric cable on the land of the petitioner. The petitioner assails such act on the part of the respondent Nos. 3 to 5 and submits that no consent was taken prior to the installation of such high voltage electric cable on the land of the petitioner.

The respondent Nos. 3 to 5 are represented and submit that they have installed such high voltage electric cable in November, 2020 after obtaining appropriate consent from all the parties. In any event, they have no objection to shift such high voltage electric cable, if the respondent No. 8 complies with all the necessary required formalities.

The respondent No. 8 is represented and submits that there are civil disputes between the petitioner and the private respondent No. 8. It is also submitted on behalf of the respondent No. 8 that the land on which the high voltage

electric cable has been installed by the respondent Nos. 3 to 5 is a joint family property and the subject premises belong to the father of the petitioner and the private respondent No. 8. Consequently according to him, the disputes are purely civil in nature.

In view of the nature of disputes between the petitioner and the private respondent, I direct the concerned District Magistrate, to consider and adjudicate upon the disputes between the petitioner and the private respondent in so far as the location of the high voltage electric cable is concerned. The concerned District Magistrate is to carry out the aforesaid exercise within a period of eight weeks from date after giving an opportunity of hearing to all the affected parties.

With the aforesaid directions, W.P.A. 4803 of 2021 stands disposed of.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)