

March 18, 2021

ARDR

(8)

**WPA 4104 of 2020**

Md. Aminul Haque & anr.

Vs.

The State of West Bengal & Ors.

Md. Younush Mondal,

...for the petitioners.

Mr. Piush Chaturvedi,

Mr. Uttam Kumar Mandal

...for the respondent no.3.

The grievance of the petitioners is directed against the insufficient compensation which has been paid by the respondent authorities for construction of a transmission tower on the petitioner's land.

The petitioners seek compensation under the Right to Fair Compensation Act, 2013.

It is submitted on behalf of the respondent authorities that in respect of compensation, the petitioners have a statutory alternative remedy under Section 16(3) of the Indian Telegraph Act, 1885.

In view of the statutory alternative remedy available to the petitioners, I am of the view that this writ petition is not maintainable.

The petitioners are granted liberty to file an application before the concerned District Judge under Section 16(3) of the aforesaid Act. If such an application is filed by the petitioner, the District Judge is directed to consider and dispose of the same after giving a right of hearing to all the affected parties

within a period of six weeks from the date of receipt thereof.

Accordingly, nothing survives in this writ petition.

WPA 4104 of 2020 is disposed off. However, there shall be no order as to costs.

**(Ravi Krishan Kapur, J.)**