

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4326 of 2020

Subrata Narayan Chowdhury & Ors.
Vs.
West Bengal State Electricity
Transmission Company Limited & Ors.

Ms. Manju Agarwal
Mr. Bajrang Manot
... For the petitioners

Mr. Sumit Kumar Panja
Mr. Sumit Ray
... For WBSETCL

The affidavit-of-service filed in Court is taken on record.

The petitioners say that the West Bengal State Electricity Transmission Company Limited (hereinafter referred to as “WBSETCL”) has proposed to lay overhead transmission line in Mouza – Natagachi, Police Station – Sonarpur. The proposed route for drawing the transmission line is likely to effect the petitioners. The petitioners have, therefor, raised an objection. The petitioners say that there is already an existing high-tension transmission line with poles erected on the petitioners’ plot of land. A further transmission line will jeopardise the petitioners’ interest in respect of the petitioners’ plot of land. The petitioners, therefore, seek that the proposed transmission line may be drawn through an alternative route without further effecting the petitioners.

On behalf of WBSETCL, it is submitted that being a transmission company, it is entitled to erect pole and lay transmission line by entering into any premises and utilising the same for the purpose of carrying out the work under the statute. Drawing of transmission line according to WBSETCL is for greater public interest. If at all the petitioners' plot of land is effected by any work of WBSETCL, the petitioners are at best entitled to compensation.

Considering the submissions made on behalf of the parties and the materials on record, I direct the petitioners to approach the District Magistrate, South 24-Parganas, within 31st January, 2021. In the event, the petitioners approach the District Magistrate, South 24-Parganas, within the time-frame provided, the said District Magistrate should consider the following issues after hearing the parties:-

- (i) Whether there is any feasible alternative route for drawing the transmission line in question without effecting the petitioners' plot of land?
- (ii) In the event, there is no feasible alternative way, the route to be adopted should make minimum use of the petitioners' land.
- (iii) In the event, there is no feasible alternative route for drawing the transmission line in question and the petitioners' land has to be used, then the compensation that the petitioners are entitled to for

the use of petitioners' land should also be ascertained after making a survey of the plot in question to ascertain the damage to the said plot.

The concerned District Magistrate, if approached by the petitioners, shall dispose of the petitioners' objection by a reasoned order within a period of six weeks from the date on being approached by the petitioners keeping in mind that the work of the transmission line had to be stopped by WBSETCL owing to the objection only by the petitioners.

It is made clear that in the event the petitioners fail to approach the District Magistrate, South 24-Parganas, in terms of this order, WBSETCL will be free to carry out its work on the petitioners' land for drawing the transmission line in question after expiry of 31st January, 2021.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)