

AD. 27.
December 6, 2021.
MNS.

(Through Video Conference)

WPA No. 11740 of 2021

Shyam Chand Das and another
Vs.
The State of West Bengal and others

Mr. Md. Salahuddin,
Mr. Md. Asanuzzaman

... for the petitioners.

Mr. Srijan Nayak,
Ms. Subhashree Ghosh

...for the WBSEDCL.

Mr. Pantu Deb Roy

...for the State.

Learned counsel for the petitioners contends that a high-tension electric line has been taken over the petitioners' land at plot No. 186/2420.

However, it is argued by learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') that the plot of the petitioners is not affected at all.

It is seen from the report dated August 12, 2021, which is supported by an affidavit, filed by the WBSEDCL, that the WBSEDCL has specifically contended in paragraph 7 thereof that, it appears from the record that plot no. 186/2420 is not affected at all

and that, at the time of installation of electric pole, nobody raised any objection.

Such contentions, however, are controverted by learned counsel appearing for the petitioners, who places reliance on the affidavit-in-reply on that score.

However, since disputed questions of fact pertaining to the specific objection taken by the petitioners have come to the fore and the writ court is not the appropriate authority to decide such questions of fact, which require detailed evidence and/or materials to be considered, more so, since the District Magistrate is the appropriate authority under law to decide such objections, WPA 11740 of 2021 is disposed of by granting liberty to the petitioners to approach the concerned District Magistrate on the same issues and with the same objection, as raised in the present writ petition, upon which the District Magistrate, upon hearing all the affected parties, shall decide the objection of the petitioners in accordance with law within a reasonable period, after such filing of objection.

It is made clear that the District Magistrate, shall decide such objection, if filed by the petitioners, independently and in accordance with law, without being prejudiced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)