

2nd December,
2021
(AK)
14

W.P.A 14828 of 2021

Prolay Kumar Modak
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Biswajit De
Mr. Panchanan Mitra
...for the petitioners.

Mr. Rammohan Chattopadhyay
...for WBSEDCL.

The challenge in the present writ petition is against a purported decision taken by the Station Manager of the WBSEDCL dated December 29, 2020, whereby the Station Manager, inter-alia, gave certain instructions to the petitioner regarding the norms to be followed for shifting of High Tension Line.

Learned counsel for the petitioner, in his usual fairness, submits that a challenge is already pending before the District Magistrate at the behest of the petitioner.

However, it is submitted that the Station Manager acted *de hors* jurisdiction in taking the impugned decision.

Learned counsel for the distribution company contends that, since the matter is already pending before the District Magistrate and the petitioner was incorrect even on facts insofar as the trees felled by the distribution

company were not over the land of the petitioner, the writ petition ought to be dismissed.

Upon hearing learned counsel for both the parties, it is evident from a mere perusal of the impugned communication dated December 29, 2020 that the same was merely a reply to the representation given by the petitioner himself to the Station Manager.

Since no '*adjudication*' was undertaken by the Station Manager by virtue of the communication dated December 29, 2020, there is no scope of interference in the writ jurisdiction.

However, the merits of the factual disputes contended by the respective parties cannot be gone into by this forum and can be agitated only before the District Magistrate.

As such, WPA 14828 of 2021 is disposed of by granting the petitioner the liberty to challenge the veracity and legality of the communication of the Station Manager dated December 29, 2020, annexed at page-34 (Annexure- P6) of the present writ petition, in the pending challenge before the District Magistrate.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)