

18  
13.12.2021  
TN

WPA No.15104 of 2021  
Shri Sajal Biswas and another  
Vs.  
The State of West Bengal and others

Mr. Chirantan Sarkar,  
Mr. Niraj Kumar Singh  
.... for the petitioners

Mr. Anirban Roy,  
Mr. Raja Saha,  
Ms. Tanusri Chanda  
.... for the State

Mr. Debjit Mukherjee  
.... for the WBSEDCL

The contention of the petitioners is that, without giving any notice or opportunity of hearing to the petitioners, who are the alleged owners of a particular plot of land, an electric pole was installed thereon by the Distribution Company.

Learned counsel for the petitioners submits that, despite their having approached the authorities, lastly by dint of the representation dated May 25, 2021 annexed at page-35 (Annexure-P6 to the instant writ petition), the Distribution Company has not paid any heed to the petitioners' grievance.

Learned counsel appearing for the Distribution Company contends that the company had already got specific instructions from the local Panchayat that the land is a public land and that the electric connection was required to the said area as an extreme necessity for all the people in the neighbourhood.

The written instruction filed by learned counsel appearing for the Distribution Company is kept on record.

Learned counsel for the State as well as learned counsel for the Distribution Company submits that several proceedings are pending in respect of the same matter before other forums.

Learned counsel for the Distribution Company further contends that, when called upon to do so, the petitioners could not produce any document in support of their claim of title and possession.

However, such stand is controverted by learned counsel for the petitioners, who relies upon a purported copy of the gift deed annexed at page-13 of the present writ petition to establish the petitioners' title in respect of the property-in-dispute.

Be that as it may, since the petitioners have produced a semblance of document to establish the petitioners' right in respect of the property, at least in the present writ petition, WPA No.15104 of 2021 is

disposed of by directing the respondent no.3 to consider the representation of the petitioners, annexed at page-35 (Annexure-P6) of the instant writ petition as expeditiously as possible, upon giving opportunity of hearing to all the interested parties, preferably within a fortnight from date.

It is made clear that this court has not gone into the merits of the respective contentions of the parties in respect of the disputed plot of land. It is further clarified that this order does not confer on the Station Manager any authority to adjudicate on an issue of title which the Station Manager is not empowered otherwise, in accordance with law, to decide. The outcome of the hearing shall thereafter be intimated to the petitioners by the respondent no.3 at the earliest.

This court has not entered into the merits of the respective contentions of the parties and it will be open to all other judicial forums to decide the matters pending in such connection before them, independently and in accordance with law.

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.)