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01.10.2021
Ct. No.10
b.das

W.P.A. 15503 of 2021

(Via Video Conference)

Biswajit Sen
Vs.
Union of India & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Snigdha Saha
Mr. P. Basak

...for the petitioner.

Mr. Chandi Charan De
Mr. A. Sarkar

...for the State.

Mr. Sreemon Bose
Mr. Amit Roy

....for the respondent Nos.1 & 2.

Mr. Supratic Roy
Mr. Sudipta Roy

Mr. Amit Dey ...for the respondent Nos.3 to 5.

The grievance of the petitioner is that a portion of his land is used for installation of a tower by respondents No.3 to 5 and a high tension line passes through his land at the instance of the said respondents. Compensation for the same was assessed by the authority but the same, according to the petitioner, is inadequate.

The sole relief claimed by the petitioner in the writ petition is payment of adequate compensation by the authority in terms of the guidelines laid down by the Government of India dated 15th October, 2015.

It is submitted on behalf of the respondents that the concerned District Magistrate is the authority to deal with the grievance regarding compensation.

Having considered the submissions made on behalf of the parties and documents on record as well as the law on the point, the writ petition is disposed of with liberty to the petitioner to file a comprehensive representation before the respondent No.6 within a period of seven days from date.

Respondent No.6 shall consider and dispose of the said representation within a period of three months from the date of receipt of the representation after giving a reasonable opportunity of hearing to all the affected parties including the petitioner, in terms of the guidelines issued by the Government of India on 15th October, 2015.

The interim order granted on 24th September, 2021 stands vacated.

Accordingly, WPA 15503 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)