

26th November,
2021
(AK)
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W.P.A 18208 of 2021

Sri Debasis Ghosh
Vs.
The State of West Bengal and others

Mr. Chirantan Sarkar
...for the petitioner.

Mr. Saurav Chaudhuri
...for WBSEDCL.

Affidavit-of-service filed in court today be kept on record.

The grievance of the petitioner is that the distribution company has installed an electric pole encroaching upon the land of the petitioner.

Despite several representations, it is submitted by learned counsel for the petitioner, the distribution company did not take any active steps thereon.

Learned counsel appearing for the distribution authority contends that the pole was installed nine years back without any objection from any quarter, that too for the public purpose of electrification of the village.

It is further submitted that, upon an inspection, it has been ascertained by the distribution company that the pole is not standing on any part of the petitioner's property.

However, to allay any apprehension of arbitrariness on the part of the distribution company, which is in

public service and ought to be transparent in its mechanism, WPA 18208 of 2021 is disposed of by directing the respondents to hold a joint inspection with the petitioner, upon a fresh prior notice to the petitioner and thereafter to decide on the representations given by the petitioner, being Annexures-P4 and P5 to the instant writ petition, in accordance with law.

At the time of deciding such representations, if the distribution company feels necessary, sufficient opportunity shall be given to the petitioner to represent the petitioner's own case by producing requisite documents regarding title, if any.

The distribution company shall complete such exercise within two months from date. Immediately upon considering the representation, the distribution company shall communicate its decision to the petitioner, upon which the petitioner will be at liberty to take appropriate further steps.

It is made clear that the contentions of the parties as regards the electric pole being on the land of the petitioner or not has not been decided on merits by this court and it will be open to the parties to ventilate their respective rights and contentions before any forum in future.

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.)