

02.09.2021.
Item No. 127.
Court No.13
pk

**W.P.A. No. 7273 of 2020
(Through Video Conference)**

**Ashok Jana and others
Versus
WBSEDCL & Ors.**

Ms. Sima Adhikari
...for the petitioners.

Mr. Rammohan Chattopadhyay
..for the WBSEDCL.

Mr. Sudipto Panda,
Ms. Munmun Tewari
... for the State.

The short question before this Court is as to whether the electricity pole and transformer erected by the WBSEDCL are on the land belonging to the writ petitioners or not. The Howrah Municipal Corporation has not been able to say as to whom this land belongs, since the area has not been demarcated.

This Court is of the view that the matter can be put to rest in the following manner.

The District Magistrate, Howrah and/or his designate shall conduct an enquiry on the following points –

(a) As to whether the land over which the electricity pole and transformer have been installed by the WBSEDCL belongs to the writ petitioners or not. In this regard the records of the B.L & L.R.O. may be scrutinized.

(b) If the answer to the question is affirmative then-: whether there is an alternative place other than the land in question, where the transformer and electricity pole can be re-located.

(c) In the event, it is found that the land belongs to the writ petitioners and the pole and transformer cannot be relocated in any other nearby place to effect supply of electricity to the area, the District Magistrate, Howrah shall also decide the question of any compensation that may be payable to the petitioners under the Works of Licensees Rules, 2006.

The District Magistrate, Howrah and/or his designate shall give personal hearing to the writ petitioners and the WBSEDCL and/or their legal representatives and mandatorily and positively pass a reasoned order within a period of two months from the date of communication of a copy of this order. The order of the DM may be communicated to the parties within seven days thereof.

With the aforesaid directions, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

