

10.02.2021
Sl. No.10
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11829 of 2020

Adhir Chandra Naskar & Ors.
Vs.
State of West Bengal & Ors.

Mr. Shambhu Nath Ray,
Ms. T. Dey

....for the petitioners.

Ms. Sudipa Roy,
Mr. Srinath Singha Roy

....for the State.

Ms. Mitali Bhattacharya

....for WBSEDCL.

The petitioners complain of drawing high voltage electric overhead wire over the petitioners' property by erecting poles also on the petitioners' property. The petitioners say that without any notice and without hearing the petitioners, the electric poles have been erected and the line drawn. The petitioners, therefor, seek appropriate orders for removal of electric poles and the overhead line drawn through such poles.

On behalf of West Bengal State Electricity Distribution Company Limited (in short WBSEDCL), it is submitted that there is in existence of a high tension supply called 11KV Maheswari Feeder. In order to give better services to the residents of the area, a further 11 KV line was required to be drawn. The petitioners are complaining about the second 11 KV line having been

drawn. The line has been drawn under a Central Government project. The line has been drawn over the land belonging to Howrah Municipal Corporation and not that of the petitioners.

After hearing submissions made on behalf of the parties, it appears that there is a factual assertion by the petitioners and denial by WBSEDCL.

In such circumstances, the matter is required to be sent before the concerned District Magistrate for adjudication of the issues raised by the petitioners and denied by WBSEDCL.

The petitioners have not approached the concerned Magistrate, but had made representations to the authorities of WBSEDCL, which remains pending till date.

In the facts and circumstances as aforesaid, I direct the petitioners to approach the District Magistrate, Howrah within 26th February, 2021 ventilating the grievances of the petitioners.

The concerned District Magistrate, if approached within the timeframe by the petitioners, shall hear the parties and, if necessary, call for the report from the Howrah Municipal Corporation as also from the concerned Land & Land Reforms Department regarding the ownership of the land.

The entire exercise shall be completed by the concerned District Magistrate by passing a reasoned

order within a period of six months from the date of being approached by the petitioners.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)