

04
03.02.2022
TN

WPA No.1087 of 2022

Mamata Roy
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Baiduriya Ghosal,
Mr. Mukul Biswas

.... for the petitioner

Mr. Sumit Kumar Panja,
Mr. Sumit Ray

.... for the WBSETCL

The grievance of the petitioner is that the WBSETCL is installing towers for the purpose of taking high tension electric lines over the petitioner's property, which would prejudice the petitioner seriously in view of the land-in-question being the only land of the petitioner, on which the petitioner is not only residing but also carrying on cultivation.

Learned counsel appearing for the WBSETCL, in his usual fairness, submits that the Transmission Company has the power to install its towers and/or other apparatus on the land of any private person, if there is no alternative route, subject, however, to

payment of adequate compensation, if the person in occupation is entitled to such compensation.

Upon considering the submissions of the parties, it is clear that the Transmission Company, within the purview of Section 67 of the Electricity Act, 2003 has a right to open up and/or install any apparatus over the land of any person if necessary. However, it is equally true that the Transmission Company, in such cases, is governed by the Indian Telegraph Act, which entitle anybody having a title over the property-in-question to seek compensation from the Transmission Company commensurate with the damage being suffered by the said person for such work.

Hence, WPA No.1087 of 2022 is disposed of by directing the respondent no.4 to give an opportunity of hearing of producing documents in support of the petitioner's right, title and interest in the property-in-question, to the petitioner and, upon hearing the petitioner and/or the authorised agents of the petitioner and considering such documents, if produced, to decide the issue and quantum of compensation, if payable, to the petitioner. Such exercise shall be completed by the respondent no.4 as expeditiously as possible, preferably within four weeks from date.

It is made clear that prior to such hearing being given and, if found entitled, disbursing such compensation to the petitioner, the Transmission Company shall not carry out further installation over the disputed property. However, the rest of the project shall not be stalled on such ground.

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.)