

6th December,
2022
(AK)
05

W.P.A 5312 of 2022

Muhammad Ali and others
Vs.
The State of West Bengal and others

Mr. Avishek Guha
Mrs. Debarati Das
Ms. Akansha Chopra

...for the petitioners.

Mr. Sumit Kumar Panja
Mr. Sumit Ray

...for the WBSETCL.

The grievance of the petitioners is that although the WBSETCL has installed a transmission tower on the land of the petitioners, no consent was taken from the petitioners, nor has any compensation being paid to them.

Learned counsel appearing for the WBSETCL submits that compensation has already been disbursed by way of a bank draft.

As such, it is argued that no further compensation remains payable with regard to the alleged damages for installation of the tower.

Since there is a factual dispute with regard to whether the petitioners have any entitlement with regard to getting compensation and as to whether, if so, a representative of the petitioners has accepted the

compensation on their behalf, it is beyond the purview of the writ petition to go into such question on merits upon assessment of documents.

As such, WPA 5312 of 2022 is disposed of by granting liberty to the petitioners to approach the concerned District Judge having territorial jurisdiction with regard to the dispute as raised in the present writ petition.

If so approached, the learned District Judge shall decide the issue in accordance with law upon giving adequate opportunity of hearing to all concerned.

It is expected that such adjudication shall be completed within three months from the date of the reference being made.

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.)