

21st June,
2022
(AK)
05

W.P.A 7733 of 2022

Mohammad Salim Rahamgul Shaikh
Vs.
State of West Bengal and others

Mr. Swapan Banerjee
Mr. Sougata Mitra
Ms. Ankita Dey

...for the petitioner.

Mr. Debanjan Mukherji

...for the WBSEDCL.

Learned counsel for the petitioner contends that, without taking any permission to, or serving prior notice on, the petitioner, the WBSEDCL installed an electricity pole on the land of the petitioner, thereby causing severe harassment and damage to the petitioner.

Learned counsel appearing for the WBSEDCL, by placing reliance on paragraph nos. 7, 9 and 11 of the writ petition, points out that although, admittedly, the pole was sought to be fixed up on October 7, 2018 and has subsequently been affixed, the representation of the petitioner objecting to such installation was given only on April 6, 2022.

On instruction, learned counsel for the WBSEDCL further contends that on April 18, 2022, an inspection was held by the WBSEDCL personnel at the site but none was present for the petitioner.

A notice was consequentially served on April 19, 2022.

Learned counsel for the petitioner, however, controverts the allegations as regards inspection and/or service of notice.

Be that as it may, since a dispute has been raised by the petitioner as regards the unauthorized installation of electricity pole on the petitioner's land, such question as well as the alternative question as to whether the petitioner is entitled to any compensation for such installation in the circumstances of the case, are required to be decided by the appropriate authority, that is, the concerned District Magistrate.

Accordingly, WPA 7733 of 2022 is disposed of by directing the petitioner to refer the dispute to the concerned District Magistrate having jurisdiction over the area where the electricity pole has been installed.

If so referred, the concerned District Magistrate shall act on the same and, upon giving adequate opportunity of hearing to all concerned, including the petitioner and the Distribution Licensee, in accordance with law without being influenced in any manner by any of the observations made herein.

Such exercise shall preferably be concluded by the District Magistrate within eight weeks from the date of reference.

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.)