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13.07.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9402 of 2022

Narayan Maity & Ors.

-vs.-

West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Ramashis Mukherjee,
Mr. Debjyoti Maity
...for the petitioners

Mr. Sumit Kumar Panja,
Mr. Sumit Ray
...for the WBSEDCL

Learned counsel appearing for the petitioners quite competently argues that the District Magistrate, when passing the impugned order dated February 23, 2022, granting compensation to the petitioners to the tune of Rs.39,620/- with 9 per cent interest for 16 years (Rs.57,053/-), totalling Rs.96,673/-, did not consider the proper valuation of the trees which were damaged.

It is submitted by learned counsel for the petitioners that the petitioners had given detailed calculations as per their version but it was not even considered by the District Magistrate at the time of hearing.

Subsequently, the petitioners gave a representation to the District Magistrate, annexed at page 53 of the writ

petition, for reconsideration of the compensation amount. However, no steps have been taken thereon.

Learned counsel appearing for the respondent-authorities submits that there is little scope of interference on factual premise by the writ court, particularly since the Magistrate's decision discloses ample reasons. The Magistrate, it is submitted, accepted a particular valuation on certain basis, which ought not to be interfered with in judicial review.

Upon considering the submissions of the parties, it is seen that in the representation, the petitioners have claimed fifty per cent of the valuation as compensation and also indicated that the notice, calculation sheet and rate chart have not been made a part of the impugned order.

It is reflected from the impugned order that the District Magistrate considered the valuation prepared by the WBSEDCL-authorities, which was recorded to have relied upon the rates supplied by the Divisional Forest Officer, for the trees, and rates laid down in the order dated September 09, 2021 of the Directorate of Horticulture, Government of West Bengal, for the plants.

Since such valuation was arrived at on the basis of government rates, the same was accepted by the District Magistrate.

There is no scope of interference with the decision-making process of the District Magistrate, since ample and

plausible reasons are reflected in the impugned order. Merely because another view may be possible, the writ court ought not to interfere with the decision of the District Magistrate.

Accordingly, W.P.A. No. 9402 of 2022 is dismissed on contest without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)