

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 9533 of 2022

Kamelia Choudhury
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Dipayan Kundu
... for the petitioner

Mr. Sujit Sankar Koley
...for the WBSEDCL

Affidavit-of-service filed in Court today be kept on
record.

Learned counsel appearing for the petitioner prays
that the high-tension line going over the petitioner's
property may be shifted to some other alternative
location, since the petitioner is a patient of cerebral
palsy and has ninety percent disability, a certificate
regarding which has been annexed to the writ petition,
and it is not being possible for the petitioner to
construct a building on her plot.

Learned counsel appearing for the WBSEDCL
submits, on instruction, that the high-tension line-in-
question is existing at its present location since long
back, much prior to the property being gifted to the
petitioner by her father.

That apart, at least thirty villages and one hundred submersible pumps have been connected via the said high-tension connection and, in the absence of availability of any alternative suitable route, there is no scope of shifting the line.

In view of the aforesaid predicament of the distribution licensee, there is no scope of interference in the present writ petition.

Moreover, the petitioner became the owner of the property much after the line was installed and, as such, there is no scope of encroachment on the right of the petitioner and/or objection being raised by the petitioner at the relevant juncture when the line was first installed.

Accordingly, W.P.A. No. 9533 of 2022 is dismissed 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.)