

6th July,
2022
(AK)
09

WPA 10853 of 2022

Sajal Kundu and another
Vs.
The State of West Bengal and others

Mr. Amit Kr. Ghosh
...for the petitioners.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

Learned counsel for the WBSEDCL submits that, pursuant to the direction dated June 21, 2022, a joint inspection was held and it was ascertained that an alternative location is available for the purpose of shifting the transformer.

Learned counsel for the WBSEDCL serves a copy of the joint inspection report to his counterpart appearing for the petitioners.

However, it is submitted that both the present location and the alternative location are situated on PWD land and there are objectors in the event the transformer is shifted to the said alternative location.

Hence, it is not possible or logical to distinguish and discriminate between the petitioners and the other objectors in respect of the alternative location.

Since WBSEDCL is *prima facie* satisfied that the transformer has already been installed on a PWD land, no order of shifting the same ought to be passed here.

However, it will be open to the petitioners to approach the District Magistrate, Hooghly, that is, respondent no.4 with the grievance as raised in the present writ petition.

If so approached, respondent no.4 shall decide the same upon giving opportunity of hearing to all concerned, including the petitioners, the WBSEDCL representatives and other objectors, if there be any, and pass necessary directions on the same.

Such exercise shall be completed as expeditiously as possible, preferably within eight weeks from the date of reference to the respondent no.4.

It is made clear that, while deciding such issue on its own merits, respondent no.4 shall not be influenced by any of the observations made herein and shall decide the issue independently and in accordance with law.

WPA 10853 of 2022 is disposed of in the light of the above observations.

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.)