

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13764 of 2021

Namita Shapui
Vs.
The State of West Bengal & Ors.

Mr. Amritam Mandal,
Mr. Aditya Mondal,
Ms. Shipra Naskar
...for the Petitioner

Mr. S.K. Panja,
Mr. Sumit Ray
...for the WBSETCL

Mr. Sabyasachi Roy
...for the added respondent

Learned counsel appearing for the petitioner reiterates, pursuant to the contention of the petitioner in the writ petition, that the petitioner did not get any compensation for taking high-tension electric line over the petitioner's property. As regards the compensation allegedly paid by the WBSETCL, as annexed to the affidavit-in-opposition of the said respondent, it is contended that the said payment might have been made in respect of some other land.

The added party, that is, the recipient of the cheques allegedly given by the WBSETCL, namely Ratneshwar Sardar, submits through counsel that the compensation was taken for installation of a tower for taking high-tension line over his property.

Since a dispute has arisen as regards whether the compensation allegedly paid by the WBSETCL to Ratneshwar Sardar was in respect of the land of the petitioner and/or as regards whether such payment would suffice for payment to the petitioner to compensate the high-tension line being taken over the petitioner's plot, if at all, the matter has to be decided by the fact-finding forum.

Accordingly, W.P.A. No. 13764 of 2021 is disposed of by directing the WBSETCL to refer the matter to the concerned District Magistrate for the purpose of resolution of the dispute which has arisen as regards the alleged payment of compensation to the said Ratneshwar Sardar on behalf of the petitioner for the land-in-question.

Upon such reference, the District Magistrate shall decide the same upon holding due enquiry and taking evidence, if necessary, and giving adequate opportunity of hearing to all concerned, as expeditiously possible, in accordance with law.

There will be no 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.)