

ML-15
Ct No.09
07.11.2022
TN

WPA No. 18724 of 2021

Satyajit Mondal
Vs.
State of West Bengal and others

Mr. Avirup Mondal,
Mr. Ramij Munsu

.... for the petitioner

Mr. Biswaroop Bhattacharya,
Mr. Uttam Kumar Mondal,
Ms. Maitree Ray

.... for the respondent nos.4 and 5

Learned counsel for the petitioner contends that by an order dated March 05, 2020, the District Magistrate, Hooghly had, *inter alia*, indicated that electricity lines have to be laid by the Power Grid Corporation causing as little damage as possible and compensation to be paid to the owner of the land-in-question.

It was also indicated that if any dispute arises concerning the sufficiency of the compensation to be paid, the aggrieved person may approach before the appropriate forum to resolve the issue. It is alleged that despite the petitioner's land having been completely damaged by such work, adequate compensation has not been paid to the petitioner.

Learned counsel submits that as per the extant law and Circulars, the compensation payable should be one-fourth the value of the land.

Such proposition is disputed by learned counsel appearing for the respondent nos. 4 and 5 and it is submitted that the documents relied on by the petitioner are not applicable unless those are adopted by the Government of West Bengal.

That apart, it is contended that the District Judge is the appropriate authority under the Telegraph Act to decide such issues.

Learned counsel for the respondent nos. 4 and 5 places reliance on Section 16(3) of the Indian Telegraph Act, 1885 for reiterating such submission and also alleges that compensation has already been disbursed in favour of the petitioner.

The respondent nos. 4 and 5 are justified in contending that the District Judge is the appropriate authority where the petitioner is to file an application for compensation, if aggrieved.

Thus, there is no scope of deciding the issues raised by the parties in the present writ petition within the conspectus of the writ jurisdiction.

Hence, WPA No. 18724 of 2021 is disposed of by granting liberty to the petitioner to apply for adequate compensation, if not satisfied with the compensation

already paid to the petitioner, before the concerned District Judge. If such application is made by the petitioner, the District Judge shall decide the issue in accordance with law upon giving adequate opportunity of hearing to all concerned as expeditiously as possible and in consonance with law.

It is expected that such disposal shall be done as expeditiously as possible, preferably within a period of three months from the date of filing such application.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)