

AD-02
Ct No.09
01.12.2022
TN

WPA No. 18889 of 2022

Madhusudhan Bagdi
Vs.
The State of West Bengal and others

Mr. Anindya Lahiri,
Mr. Sourav Mondal

.... for the petitioner

Mr. Chandi Charan De,
Mr. Anirban Sarkar

.... for the State

Mr. S.K. Panja,
Mr. Sumit Ray

.... for the WBSETCL

The limited scope of challenge in the present writ petition is that the petitioner's land, allegedly, suffered damage due to erection of high-tension electricity tower by the West Bengal State Electricity Transmission Company Limited (WBSETCL).

Learned counsel for the petitioner contends that although, initially, the impression was given to the petitioner that he will get compensation for damages due to the work done on his land, subsequently the said position was resiled from by the authorities, upon which the petitioner gave a written complaint dated November 26, 2020, which was received by the authorities on November 28, 2020 to the effect that

the petitioner had signed the 'no objection' by mistake.

It is further submitted, by placing reliance on a photograph annexed at page-27 of the writ petition, that the work has substantially been completed. As such, it is argued that the petitioner is entitled in law to get compensation.

Learned counsel appearing for the State files a report. It is indicated in the report and as per the submission of learned counsel for the State that all other surrounding land owners near the petitioner have already received compensation from the WBSETCL.

Learned counsel appearing for the State further submits that the State, in principle, does not have any objection to the petitioner getting his due compensation.

Learned counsel appearing for the WBSETCL submits that he has no specific instruction as regards whether the work has been completed or not. It is further submitted, in his usual fairness, that the WBSETCL shall consider the payment of compensation once the work is completed.

Upon hearing learned counsel for the parties, it transpires that the matter can be decided even without going into the question as to whether the

petitioner was given wrongly to understand that he would be given compensation and signed the 'no objection' for the purpose of the work being done on such premise.

Irrespective of the 'no objection' given by the petitioner for the work to be done, the petitioner, thereby, did not waive his right to get compensation as stipulated in law. Since the Electricity Act, 2003, read with the relevant provisions of the Telegraph Act, 1885 provides that the petitioner is entitled to compensation for damages caused by any work by any Transmission Company, in the present case, there cannot be any justification for not granting such compensation to the petitioner.

In fact, from the photograph annexed to the writ petition and the report of the State, it transpires that the work has already been completed and the surrounding land owners have even received compensation from the WBSETCL.

In such circumstances, WPA No. 18889 of 2022 is disposed of by directing the WBSETCL to assess the compensation payable for the damages, if any, caused to the petitioner's land due to the construction work of transmission tower undertaken by the WBSETCL. Such exercise of assessment of damages and compensation shall be concluded as expeditiously as

possible, positively within two months from date, upon giving adequate opportunity of hearing to all concerned, including the petitioner and upon calling for a report from the appropriate authority, if necessary.

Upon the assessment being complete, whatever compensation is due to the petitioner according to the WBSETCL shall be disbursed to the petitioner within a reasonably early period thereafter, positively within one month after such assessment is concluded.

In the event the petitioner has any grievance with the quantum of compensation decided, it will be open to the petitioner to take recourse to law for challenging such quantum of compensation before the appropriate authority as designated in 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)