

8th December,
2022
(AK)
01

W.P.A 22658 of 2022

Biswajit Sarkar
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Saurav Chaudhuri
...for the WBSEDCL.

None appears for the petitioner when the matter is called on for hearing.

Learned counsel for the WBSEDCL submits, by placing reliance on the report filed on the previous occasion, that it is not feasible to shift the High Tension Line-in-question to the adjacent road.

It is, however, indicated in the report that for shifting the said 33KV feeder line to any adjacent side, electric poles and overhead wires are to be shifted on adjacent land which is not owned by the petitioner, for which the petitioner is required to provide 'Way Leave' permission, is possible.

Hence, WPA 22658 of 2022 is disposed of by directing the petitioner to produce 'Way Leave Certificate' to apply for shifting of the line to any alternative passage to which the line-in-question can be shifted.

In the event no 'Way Leave' permission can be obtained by the petitioner, it will be open to the petitioner to move the respondent no. 4, that is, the concerned District Magistrate, with the dispute in order to resolve the issue of the plausible alternative route for shifting the line-in-question.

It is made clear that the merits of the matter have not been gone into. It will be open to the District Magistrate, if so approached, to decide the issues involved independently and in accordance with law.

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.)