

S/L. 12.
July 8, 2022.
MNS.

WPA No. 27839 of 2013

Shyamapada Naskar
Vs.
State of West Bengal and another

Mr. Sanjay Mukherjee

... for the petitioner.

Mr. Subir Sanyal,
Mr. Debanjan Mukherjee

...for the CESC Limited.

Learned counsel for the petitioner contends that the petitioner is suffering loss due to a High Tension Overhead Line having been taken over the petitioner's land by the Distribution Licensee.

Learned counsel, as such, submits that adequate compensation may be given to the petitioner.

Learned counsel appearing for the CESC Limited submits, in his usual fairness, that the authority, as stipulated in Section 10 read with Section 16 of the Indian Telegraph Act, 1885, shall decide the question of compensation.

Hence, without unnecessarily complicating the matter by entering into factual details or

merits of the matter, WPA No. 27839 of 2013 is disposed of by directing the petitioner to refer the issue before the said authority.

If approached, the said authority shall decide the issue of compensation, if any, payable to the petitioner due to the High Tension Overhead Line having been drawn over the petitioner's property as expeditiously as possible and in accordance with law, upon giving opportunity of hearing to all concerned.

It is expected that such adjudication will be done within six weeks from the date of reference.

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.)