

23rd December,
2022
(AK)
06

W.P.A 27810 of 2022

Sri Monajit Manna
Vs.
The State of West Bengal and others

Mr. Amit Baran Dash
Ms. Ankana Sarkar
...for the petitioner.

Mr. Debjit Mukherjee
...for the WBSEDCL.

Mr. Sumit Kumar Panja
Mr. Sumit Ray
...for the WBSETCL.

Mr. Himadri Sikher Chakraborty
Mr. Susnita Saha
...for the State.

Affidavit-of-service filed in court today be kept on record.

At the outset, learned counsel for the West Bengal Electricity Distribution Company submits that it has erroneously been impleaded in the writ petition since the transmission lines-in-question are being taken by the West Bengal Electricity Transmission Company (WBSETCL).

Accordingly, the learned advocate-on-record for the petitioner is granted leave to amend the cause title of the writ petition impleading the WBSETCL in place of WBSEDCL where necessary.

Such amendment shall be carried out during the course of the day.

The grievance of the petitioner is that despite high tension electricity transmission lines being taken over the petitioner's land, thereby causing damage to the said land, no compensation has yet been paid by the WBSETCL.

It is further submitted that the WBSETCL agreed to the schedule of the property over which the transmission line is to be taken and also agreed in principle to pay such compensation to the petitioner.

However, learned counsel for the WBSETCL submits that there was no agreement in respect of the quantum of compensation payable.

Secondly, it is argued on behalf of WBSETCL that unless the work on/over the petitioner's land is completed, it is not possible to ascertain the exact damages caused to the petitioner in order to assess the quantum of compensation payable to the petitioner.

There is substance in such contention of the WBSETCL. Unless the work is concluded, the amount of compensation payable to the petitioner cannot be ascertained.

As such, since the petitioner is not supposed to be aware of the date of completion of the work, which is technical in nature, it is the duty of the WBSETCL to

inform about such completion upon the completion of such work to the petitioner.

Accordingly, WPA 27810 of 2022 is disposed of by directing the WBSETCL to intimate the petitioner in writing as regards the conclusion of the work of the WBSETCL over the area where the petitioner's land is situated, immediately after such conclusion.

Upon such intimation being given, the petitioner is granted liberty to approach the concerned District Judge having territorial jurisdiction in the area with the dispute which has arisen between the parties regarding compensation payable to the petitioner.

Upon being so approached, the District Judge shall decide the issue in accordance with law and upon giving adequate opportunity of hearing to all concerned as expeditiously as possible, positively within three months from the date of such reference being made to the District Judge.

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.)