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16.02.2022
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WPA No.8323 of 2020

Niranjan Bhar and another
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Suddahdeb Adak

.... for the petitioner

Mr. Sumit Kr. Panja,
Mr. Sumit Ray

.... for the WBSETCL

Mr. Tapas Kr. Adhikari,
Mr. Bipin Ghosh

.... for the State

Affidavit-in-opposition and affidavit-in-reply
filed in court today be kept on record.

Learned counsel for the petitioner argues that
the Transmission Licensee has taken High-Tension
Power Grid connection over the petitioner's land by
adopting a roundabout route, despite the availability
of other similar lands for extending such connection,
apart from the petitioner's land.

As such, the writ petition has been preferred
seeking restraint order on the Transmission Licensee
from making such construction over the petitioner's

land, since, according to the petitioner, the said land is the only source of livelihood for the petitioner.

Learned counsel for the State submits that the appropriate course is to refer the matter to the concerned District Magistrate who is to assess the damages/compensation payable by the Transmission Licensee.

Learned counsel appearing for the Transmission Licensee, however, submits that there is no question at the present moment of paying such damages or compensation, even if at all payable to the petitioner, unless the work-in-question is completed. Learned counsel further submits that the work is on the verge of completion and will soon be finished.

The petitioner's primary relief in the writ petition has become infructuous, in view of the pole-in-question, giving such High-Tension Power Grid connection, having already been installed on the land of the petitioner. However, in any event, it is open to the petitioner to approach the concerned District Magistrate for appropriate damages/compensation, if so entitled, after the work is completed.

It may be noted that the petitioner previously applied for compensation but, in view of the pendency of the present writ petition, the proceeding was dropped by the concerned District Magistrate. Be that

as it may, such previous order of the District Magistrate cannot come in the way of the petitioner claiming compensation afresh upon completion of the work, keeping in view the fact that the stage when the Magistrate dropped the proceeding was premature, since the work had not yet been completed.

Hence, substantial justice would be subserved if such liberty is reserved to the petitioner.

Accordingly, WPA No.8323 of 2020 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate for appropriate damages/compensation, if the petitioner claims the same. If so approached, the District Magistrate shall decide the said dispute in accordance with law upon giving adequate opportunity of hearing to all the interested parties, and decide expeditiously the quantum of damages/compensation, if any payable to the petitioner.

It is made clear that this court has not entered into the merits of the contentions of either of the parties in respect of such proposed claim of compensation by the petitioner and it will be open to the District Magistrate, if so approached, to decide the same independently without being influenced in any manner by any of the observations made herein.

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.)