

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.4657 of 2022

***Mahabir Sahoo and Sons Resort
Pvt. Ltd., Cuttack***

....

Petitioner

-versus-

***Sub-Divisional Officer, TPWODL,
Balangir & others***

....

Opposite Parties

**CORAM:
THE JUSTICE S.PUJAHARI**

ORDER

16.02.2022

**Order
No.**

01. 1. This matter is taken up through Hybrid mode.
2. The Petitioner has filed this writ petition challenging the notice, vide Annexures-1 and 2, directing him to deposit the estimated amount of Rs.3,13,128/- and Rs.21,577/- to remove the 11 KV HT line from the land of the opposite party no.3.
3. Mr. Tripathy, learned counsel submits that he has instruction to appear on behalf of the opposite parties 1 and 2.
4. Heard Mr. Ray, learned counsel for the Petitioner and Mr. Tripathy, learned counsel for the opposite parties.
5. It appears that a transformer was installed for giving power supply to the lodge of the Petitioner. However, a grievance having been made by the opposite party no.3 that the

transformer has been installed in his land, the distribution company now wanted to shift the same to the land of the Petitioner and claimed the shifting cost from him, vide Annexures-1 and 2. The Petitioner is disputing that transformer installed in the land belongs to the opposite party no.3 and thereby cost for shifting of the transformer demanded.

6. It is the submission of Mr. Ray that the transformer is located in the own land of the Petitioner. Therefore, the authority concerned could not have decided to shift the same that too without using the transformer on the ground that the same was situated on the land of the opposite party no.3. The WESCO, which was earlier the utility company, now has been taken over by the distributing company-TPWODL.

7. However, Mr. Tripathy, learned counsel for the opposite parties 1 and 2, submits that as it was found that the land belongs to the opposite party no.3, who made objection for installation of the transformer made at the instance of the Petitioner, the Petitioner has been given such notice as such this Court should not interfere with the same and relegate the Petitioner to raise his grievance to the authority competent to decide the matter under the Electricity Act.

8. After hearing the learned counsel for the parties and also the submission of Mr. Ray, who claims that the transformer is located in the own land of the Petitioner and as such the same is not required to be shifted and he is not liable

to pay the shifting cost of the transformer to the opposite parties 1 and 2, this Court disposes of the writ petition with a direction to the Petitioner to file an application before the Tahasildar concerned with a copy of this order for demarcation of his land. If such an application is made within three weeks hence, notice shall be given to the opposite parties 1 and 3 to be present on the date of demarcation to be fixed by the Tahasildar concerned and the land be demarcated not later than of four weeks of such application in presence of the parties concerned by the revenue official deputed for the purpose. In the event of such demarcation, if it is ultimately found that the transformer has not been installed on the land of the Petitioner but the land of opposite party no.3, the same shall be shifted to the land belonging to the Petitioner. The Petitioner shall be liable to pay the shifting cost of the transformer. The Petitioner, however, shall be allowed to deposit the cost within fifteen days of such demarcation, if required. Till then no disconnection of power supply be made.

9. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge