

25th January,
2023
(AK)
06

W.P.A 1279 of 2023

Ganesh Bera and others
Vs.
The State of West Bengal and others

Mr. Satyendra Agarwal
...for the petitioner.

Mr. Asif Dewan
...for the WBSEDCL.

Mr. D.N. Mukherjee
Mr. Janardan Mandal
...for the State.

The petitioners' grievance is that the WBSEDCL is taking a high tension transmission line over the *bastu* property of the petitioners, thereby exposing the petitioners to the extreme hazard of radiation and other consequences.

It is submitted that despite the petitioners and several other local villagers having given a mass petition, the same has not yet been considered by the respondent authorities.

It is further contended by learned counsel for the petitioners that there is existence of an alternative route over vacant land to take the said high tension transmission line, which would save the petitioners from exposure to such risk.

Learned counsel appearing for the WBSEDCL submits that the WBSEDCL has ascertained that the

transmission line will be installed away from the residential area of the village-in-question.

It is submitted that much more than the distance required to be maintained from the nearest residential premise is being maintained while taking the said line.

It is further contended by learned counsel for the petitioners that the entire allegations of the petitioners are misconceived and do not have any basis.

The dispute in the present case revolves around the fate of several cultivators and other villagers, at least fifty-five in number, of a particular area.

The difficulty in such projects is that in the event the same is permitted to be completed prior to an adjudication of the issue, it will be extremely cumbersome, difficult and expensive to reinstall the entire high tension line over a different route, even if the decision goes in favour of the villagers.

Since the construction is still at an inchoate stage, the ends of justice would only be subserved if the matter is decided by the authority competent in law, that is, the concerned District Magistrate prior to further construction.

Accordingly, WPA 1279 of 2023 is disposed of by directing the respondent no.8, the District Magistrate, Medinipur, Paschim Medinipur to decide the dispute as raised in the present writ petition upon giving an opportunity of hearing to all concerned in accordance

with law as expeditiously as possible (keeping in view the urgency involved in a public project), preferably within six weeks from the date of communication of this order to the respondent no.8.

The respondent no.8 shall act on the communication of the learned advocates for the parties, accompanied by a server copy of this order for the purpose of compliance, without insisting upon prior production of a certified copy.

The petitioners, through their learned advocate, shall communicate this order to the District Magistrate at the earliest in order not to stall the public project indefinitely.

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.)