

AD-11
Ct No.09
01.03.2023
TN

WPA No. 4421 of 2023

Prafulla Chandra Das and another
Vs.
State of West Bengal and others

Mr. Debanjan Mukherjee
.... for the petitioners

Mr. Nilotpal Chatterjee,
Mr. Anupam Das Adhikari
.... for the State

From the affidavit-of-service filed today in court, it is clear that the service has not yet been completed on all the respondents although the State is represented through counsel. The Affidavit-of-service filed in court today be kept on record.

The limited scope of the writ petition is that the petitioners complain that the petitioners' property has been damaged extensively, thereby causing substantial loss to the petitioners due to digging of their land by the West Bengal State Electricity Transmission Company Limited (WBSETCL) and respondent no.7, their contractor.

Since, as per the relevant provisions of the Telegraph Act read with Electricity Act, 2003, the Transmission Companies have a right to install high-tension electricity connection over the property of any

person, subject to payment of damages, the said action, even if done by the WBSETCL, cannot be faulted.

Since service has not yet been completed on the WBSETCL and/or their alleged contractor, this court cannot go into the merits of such allegation as regards damage. However, in view of the limited scope of writ petition, the same need not be kept pending unnecessarily.

WPA No. 4421 of 2023 is disposed of by granting liberty to the petitioners to approach the WBSETCL, that is, the respondent no.6 herein, with a claim for compensation/damages, as per law. Upon such written grievance being ventilated by the petitioners, the WBSETCL shall give an opportunity of hearing to the petitioners and thereafter shall assess the damages, if any, caused to the petitioners due to the action of the WBSETCL in any manner and, if found in the positive, shall assess the compensation payable to the petitioners and disburse the same to the petitioners at the earliest. It is expected that the entire process shall be concluded by the WBSETCL at the earliest after the petitioners making such application for compensation.

However, it is made clear that this court has not entered into the merits of the allegations of the

petitioners to the effect that damages have actually been caused on their property by the WBSETCL or its contractor, the respondent no.7. It will be open to the WBSETCL to adjudicate such issue in accordance with law. It is further clarified that in the event the petitioners are not satisfied with such adjudication by the WBSETCL, it will be open to the petitioners to challenge such order before the appropriate forum.

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.)