

AD-24
Ct No.09
14.03.2023
TN

WPA No. 5724 of 2023

Prince Ghosh (Minor), represented by his mother
and another
Vs.
West Bengal State Electricity Transmission Company
Ltd. and others

Mr. Anindya Bose,
Mr. Diptendu Mandal,
Mr. Mridul Biswas

.... for the petitioner

Mr. S.K. Panja,
Mr. Sumit Ray

.... for the WBSETCL

Liberty is given to the learned Advocate-on-record for the petitioners to carry out the necessary corrections in the cause title of the present writ petition incorporating the name and details of the next friend/legal guardian/mother of the petitioners during the course of the day.

Learned counsel for the petitioners, who are minors represented by their next friend/mother, submits that they are dependent on the income of their father from a poultry farm run at the premises-in-question over which a high-tension line is sought to be drawn by the respondent-authorities.

It is submitted that there is an available alternative route for deviating the proposed

transmission line from over the property of the petitioners, for which a representation was given to the concerned District Magistrate. However, the same has not yet been considered.

Learned counsel appearing for the transmission licensee submits that out of the proposed 222 towers, already 217 towers have been installed and the project is on the verge of completion. As such, it is extremely difficult at this juncture to deviate from the planned route of the transmission line to bypass the property of the present petitioners.

Learned counsel for the transmission licensee, in his usual fairness, submits that the question of compensation, if applicable, has never been disputed by the transmission licensee. However, it is premature at this juncture to consider such issue, since the project has not yet been completed; more so, with regard to the property of the petitioners.

Upon hearing learned counsel for the parties, it transpires that mere direction upon the District Magistrate to dispose of the representation of the petitioners shall not serve any effective purpose for any of the parties. However, since it is submitted by the transmission licensee that the project is on the verge of completion, it might be difficult at this stage to deviate from the proposed route of the transmission

line. Yet, as the matter has been referred to the Magistrate, the Magistrate is required to go into the question at least of compensation, if any, payable to the owners of the land-in-question, that is, the present petitioners. That apart, it would be open to the District Magistrate also to consider, upon hearing all concerned, whether the alteration of the proposed route for installation of a high-tension line over the petitioners' property is possible.

Hence, WPA No. 5724 of 2023 is disposed of by directing the concerned District Magistrate to dispose of the representation given by the petitioners upon giving an opportunity of hearing to the petitioners as well as the transmission licensee as expeditiously as possible, positively within six weeks from the date of communication of this order to the Magistrate, on the question of whether it is possible to deviate the transmission line over an alternative route than over the petitioners' plot, in the alternative, to consider the question of payability of compensation to the petitioners by the transmission licensee in the event any damage takes place on the land of the petitioners due to the project of the transmission licensee.

It will be open to the Magistrate also to consider the question of the quantum of such compensation, if decided to be payable by the transmission licensee to

the petitioners, within the scope of the present direction.

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.)