

AD-10
Ct No.09
17.04.2023
TN

WPA No. 7139 of 2023

Nijmuddin Jamader @ Nijamuddin Jamader @
Nejamuddin Jamader and another
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain,
Mr. Saptarshi Charaborty,
Mr. Arghya Kamal Das

.... for the petitioners

Mr. Asif Dewan

.... for the WBSEDCL

Mr. Biswajit De,
Ms. Rajlakshmi Ghatak

.... for the State

Mr. Apurba Ghosh,
Mr. Anindya Ghosh

.... for the respondent nos.5 to 7

It is seen from the report filed today in court by learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) that it is plausible to shift the electricity pole-in-dispute from immediately adjacent to the petitioners' property to the opposite side of the road, which is situated beside a pond. A hand sketch map is relied on by the

WBSEDCL to underscore such submission. Such map is annexed to the report.

Learned counsel appearing for the private respondents submits that in the event the pole is so shifted, it will block the ingress and egress to the petitioners' property. However, a bare perusal of the hand sketch map produced by the WBSEDCL does not indicate that there is any scope of hindrance to the entrance to any premises, since the alternative location suggested by the WBSEDCL is situated beside a water-body.

Learned counsel for the private respondents also indicates that the petitioners resorted to unauthorized construction in making their building, due to which the electricity pole has found place immediately adjacent to the petitioners' property.

However, such contention is disputed by the petitioners. Moreover, at this juncture, the private respondents' objection to the shifting of the pole, which is causing extreme hazard and inconvenience to the petitioners but would not be of any detriment to the private respondents, since the alternative location is situated beside a pond, cannot but be turned down.

Hence, there cannot be any impediment in shifting the electricity pole-in-question to the alternative location 'P' or 'Q' as shown in the hand

sketch map annexed to the report of the WBSEDCL, as per feasibility and convenience of the WBSEDCL.

Accordingly, WPA No. 7139 of 2023 is disposed of by directing the WBSEDCL to take immediate steps for shifting of the disputed electricity pole from immediately adjacent to the petitioners' property to the opposite side of the road, adjacent to a pond as indicated by points 'P'/'Q' of the hand sketch map annexed to the WBSEDCL report, which is kept on record.

It is, however, made clear that nothing in this order shall prevent the private respondents from disputing the legality of the construction of the petitioners' building before the appropriate forum.

It is made clear that if there is any obstruction raised by the private respondents and/or their men and agents in the WBSEDCL so shifting the location of the pole, it will be open to the WBSEDCL personnel to approach respondent no.4, the Officer-in-Charge, Rajapur Police Station for adequate police assistance, which will be given by respondent no.4 by acting on a server copy of this order and at the cost of the petitioners.

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.)