

10th April,
2023
(AK)
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W.P.A 7291 of 2023

Achainto Kumar Sur
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Tarak Nath Halder
Mr. Sagnik Chatterjee
... for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

Learned counsel for the petitioner contends that, without any prior notice to the petitioner, a high tension electricity wire was taken over the petitioner's property, thereby causing severe prejudice to the petitioner.

Although the petitioner gave representations on such score, the WBSEDCL has not considered the same, for which the present writ petition has been preferred.

Learned counsel appearing for the WBSEDCL submits that the line-in-question was installed for the first time about ten years previously. Recently, only insulation has been provided for the safety of the local inhabitants of the neighbourhood.

Such contentions, of course, are controverted by learned counsel for the petitioner, who contends that the high tension wire was taken only at the inception of the

year 2021, upon which the petitioner had given demand for justice and repeated representations.

Be that as it may, within the conspectus of the Indian Telegraph Act, which is applicable *mutatis mutandis* to electricity supplies given under the Electricity Act, 2003, the authorities have a right, for drawing public utility services, to install high tension electricity lines over the property of any person, subject, of course, to grant of necessary compensation, if so entitled, to the affected person.

Although in the present case there is a dispute as to whether the line was installed much earlier, thereby precluding the petitioner from claiming compensation, since the petitioner disputes such contention of the WBSEDCL, there is scope for hearing the petitioner on the same by the authorities.

However, insofar as the shifting of the line is concerned, the same is submitted by the WBSEDCL not to be feasible at this juncture.

Accordingly, WPA 7291 of 2023 is disposed of by granting liberty to the petitioner to apply for adequate compensation for damages, if so entitled, to the WBSEDCL.

If such an application/representation for compensation is made, the WBSEDCL shall dispose of the same as expeditiously as possible, preferably within six

weeks from the date of making such application/representation in accordance with law and upon giving adequate opportunity of hearing/representation to the petitioner.

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.)