

AD-10
Ct No.09
05.04.2023
TN

WPA No. 7368 of 2023

Banshi Saha
Vs.
The State of West Bengal and others

Mr. Priyangit Kundu,
Ms. Snigdha Saha
.... for the petitioner

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee
.... for the State

Mr. Sumit Kumar Panja,
Mr. Sumit Ray
.... for the WBSETCL

Affidavit-of-service filed in court today be kept
on record.

Heard learned counsel for the parties.

Prima facie, the contention of the petitioner is that the West Bengal State Electricity Transmission Company Limited (WBSETCL) is trying to install certain towers on the property of the petitioner and take a high-tension electricity line over the petitioner's property. The reason for such apprehension, as disclosed by learned counsel for the petitioner, is that the personnel of the WBSETCL are regularly visiting the petitioner's property and arrangements are being

made for installation of a transmission tower in the land adjacent to that of the petitioner.

Learned counsel appearing for the WBSETCL contends that the WBSETCL, in law, has a right to install high-tension electricity towers and in the event any damages are caused for such installation, to consider the question of compensation after the completion of the work. However, the petitioner cannot resist the right of the transmission company to make such installation or take the electricity line.

It is further argued that the petitioner only recently claims to have purchased the property. Prior to such purchase, there was a notification, which was duly published, indicating the nature of the work to be undertaken by the WBSETCL in the area. Hence, no further notice is required to be given to the petitioner on such score.

Be that as it may, although the writ petition may be premature to a certain extent, since no work has been undertaken yet on the petitioner's land, the court cannot shut its eyes to the fact that the petitioner claims to be the present owner of the property and that no work has been started by the WBSETCL on the property of the petitioner as yet.

Hence, WPA No. 7368 of 2023 is disposed of by directing the WBSETCL to give a prior notice to the

petitioner in the event they seek to start any work on the property of the petitioner.

It is made clear that the right of the WBSETCL to install such high-tension line or transmission tower on the property has not been gone into on merits by this court. It will be open to the petitioner to approach the appropriate forum in the event the petitioner has any future objection, particularly with regard to compensation.

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.)