

D/L. 17.
December 14, 2023.
MNS.

WPA No. 8636 of 2021

Md. Sultan Alam and others
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Abhik Sarkar,
Mr. Kalidas Saha

... for the petitioners.

Mr. Jayanta Basu

...for the WBSEDCL.

Mr. Sumit Kumar Panja,
Mr. Sumit Ray

...for the WBSETCL.

1. A report is filed today by the West Bengal State Electricity Transmission Company Limited (WBSETCL) indicating that the turnkey vendor for the project-in-question offered compensation of Rs. 69,000/- on the basis of the rate of the West Bengal Forest Department in respect of the damage caused for the project work to the petitioners. Let the report be kept on record.
2. However, the writ petitioners refused to accept the same.
3. Learned counsel for the petitioners submits that due to the project, the land of the

petitioners which had fruit bearing trees fetching huge income, cannot be utilized any further. Thus, it is argued that, for all practical purposes, the land has become unusable by the petitioners. Hence, the petitioners seek much higher compensation, alternatively shifting of the transmission line.

4. Heard learned counsel for the parties, upon which it transpires that the project involves a huge expenditure of resources and is for the benefit of the public at large. At this juncture, if a shifting is directed at the whim of the court, the same may involve complications since such a project of public nature in respect of carrying high-tension electricity is planned over a long period of time and the shifting would involve huge costs and inconvenience, if at all possible.
5. Hence, the shifting is not an option available to the petitioners at this juncture.
6. The petitioners, of course, have the right to be aggrieved with the quantum of compensation offered to the petitioners. The law provides that in such circumstances, the provision of the Indian Telegraph Act, 1885 apply. Under the relevant provisions of law, the petitioners

have a right to challenge the quantum of compensation before the concerned District Judge having territorial jurisdiction.

7. Hence, WPA 8636 of 2021 is disposed of by directing the petitioners to accept the amount of compensation of Rs. 69,000/- which will be re-tendered to the petitioner by the WBSETCL within a fortnight from date without prejudice to the rights and contentions of the petitioners.
8. The petitioners will be at liberty to seek further compensation before the concerned authority, that is the District Judge, having territorial jurisdiction, if so aggrieved, within a fortnight from the date of receipt of such compensation.
9. It is made clear that the receipt of the compensation by the petitioners shall not in any manner prejudice to the rights and contentions of the parties in the appeal, which may be preferred by the petitioners.
10. There will be no order as to costs.
11. 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.)