

D/L. 7.
May 17, 2023.
MNS.

WPA No. 11255 of 2023

Smt. Tota Devi Ram and others
Vs.
The State of West Bengal and others

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

... for the petitioners.

Mr. Rajarshi Basu,
Mrs. Karabi Roy

...for the State.

Mr. Sumit Kumar Panja,
Mr. Sumit Roy

...for the WBSETCL.

At the outset, learned counsel for the State-respondent points out that although the petitioners are now seeking to claim compensation, the same is not corroborated by the reliefs sought in the writ petition, which pertains primarily to shifting, removal or alteration of transmission line. However, it is submitted on behalf of the petitioners that since the work has already been undertaken by the West Bengal State Electricity Transmission Company Limited (in short "Transmission Licensee"), the petitioners now confine their relief to compensation.

Since the relief for compensation is a lesser relief in the sense that the applicant staking a claim over a property can either seek shifting of the line or compensation, depending on the stage of the work, this Court shall consider the scope of granting any relief with regard to compensation by moulding the reliefs sought in the writ petition.

Learned counsel for the petitioners contends that the petitioners are the owners of the property-in-question, over which the Transmission Licensee, being respondent no. 3 herein, is installing certain lines. For such purpose, digging has been commenced on the petitioners' property.

It is argued that although the petitioners made a representation claiming such ownership, the petitioners have not been considered as claimants for compensation before the District Magistrate.

Learned counsel appearing for the Transmission Licensee points out that a suit is also pending at the behest of the petitioners, where an injunction application was filed by the petitioners. However, the petitioners have not got any order of injunction.

Be that as it may, the limited scope of the present writ petition is whether the petitioners are entitled to compensation in the capacity of owners or otherwise, regarding damages, if any, caused by the Transmission Licensee for the work being undertaken by the Transmission Licensee.

Since a proceeding is admittedly pending before the District Magistrate, Paschim Bardhaman, it would only be prudent if the petitioners are also joined as parties to the said proceeding and the petitioners' grievance as regards entitlement to compensation is also decided by the District Magistrate along with other claimants.

Accordingly, WPA No. 11255 of 2023 is disposed of by granting liberty to the petitioners to file independent application(s) for compensation on the above score before the District Magistrate.

If such application/applications are made within a week from date, the District Magistrate shall club such application/applications along with the other claims pending before the District Magistrate and, upon granting opportunity of hearing to all concerned, decide the issue of the entitlement of the petitioners to compensation,

along with the other claimants in accordance with law, as expeditiously as possible.

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.)