

19.04.2023
Item No.46
gd/ssd

MAT/958/2021
IA NO: CAN/1/2021
SAGAR MITRA
VS
THE WEST BENGAL STATE ELECTRICITY
DISTRIBUTION COMPANY LIMITED AND ORS.

Mr. Sayan Sinha,
Mr. Steven Souradip Biswas
..for the Appellant

Mr. Sujit Sankar Koley
..for WBSEDCL

1. This intra court appeal is directed against the order dated 23.08.2021 in WPA 12813 of 2021. The petitioner in the said writ petition sought for a change of location of the larger feeder pillar box in front of the appellant's property.
2. The Distribution Company placed certain documents from the record to show that the feeder pillar box was in existence for 50 years.
3. Therefore, the learned Writ Court taking note of the said fact that the installation has been on a public land and has been in existence for 50 years refused to interfere with the same.
4. Aggrieved by the said order, the appellant/writ petitioner filed this appeal.
5. After hearing the learned Advocate for the parties and perusal of the materials placed on record along with the stay application, we find that as early as on 12th August, 2021 an option was given to the

appellant for shifting of the feeder pillar box and the Divisional Engineer records in the said letter that the appellant has refused to exercise such an option. The explanation given by the learned Advocate for the appellant is that the appellant did not exercise such option as the same would also be in front of the appellant's property. In any event the feeder pillar box is situated in a public land and is in existence for 50 years.

6. The learned Advocate for the Distribution Company submitted that adequate safeguards have been taken and safety and security of the appellant as well as the other residents of the area will not be affected in any manner.

7. Considering the facts and circumstances of the case, we are of the view that the order passed in the writ petition cannot be interfered with.

8. However, we dispose of the appeal with the observation that the Distribution Company shall conduct periodical inspection to ensure that the maintenance and upkeep of the feeder pillar box so that safety and security of the residents of the area are sufficiently protected.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

