

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14004 of 2023

Niranjana Baidya
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Bhattacharya,
Mr. Sanjib Sankar Majumdar
...for the petitioner

Mr. Ananda Dulal Sarkar
...for the State-respondents

Dr. Madhusudan Saharoy
...for the WBSEDCL

Learned counsel appearing for the petitioner alleges that, for taking a high-tension line, several electricity poles have been installed on the property of the petitioner and several others are going to be so installed.

Learned counsel for the petitioner submits that the consent of the petitioner was not taken before doing so.

Learned counsel appearing for the Distribution Licensee submits that there is a huge scarcity of electricity in several places of the area-in-question, for which a major project has been undertaken by the WBSEDCL to electrify the area.

As a part of project, substantial amounts of expenses have already been incurred by the Distribution Licensee and the project is underway. That apart, it is contended by the WBSEDCL that the local Panchayat has pointed out the said area, which is disputed by the petitioner, as Panchayat property and the same does not belong to any private person.

Since, under the contemplation of the Works of Licensees Rules, 2006 it is the District Magistrate who is the authority to decide on such disputes as raised in the present writ petition, W.P.A. No. 14004 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate with the dispute as raised in the present writ petition and the representation annexed thereto, by making a formal application in accordance with law in that regard before the District Magistrate.

As and when such application is made, the District Magistrate shall decide the same in accordance with law, upon giving opportunity of hearing to all concerned, as expeditiously as possible, preferably within ten weeks from the date of communication of this order to the District Magistrate.

Parties are at liberty to communicate this order to the District Magistrate for the purpose of compliance.

All parties as well as the District Magistrate shall act on a server copy of this order, without insisting upon prior production of a certified copy thereof for compliance.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)