

D/L. 15.
July 7, 2023.
MNS.

WPA No. 14948 of 2023

Pannalal Baidya
Vs.
The State of West Bengal and others

Mr. Rajdeep Bhattahcarya,
Mr. Sanjit Sankar Majumdar

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Learned counsel for the petitioner contends that a high voltage transformer is being installed by the Distribution Licensee despite the objection of the petitioner, immediately in front of the petitioner's property, thereby blocking not only the access to the property, but also the enjoyment of the property and creating a fire and electrical hazard for the petitioner.

Such contention is disputed by learned counsel for the Distribution Licensee, who submits that at least 300 local villagers have written to the Distribution Licensee seeking installation of the transformer at its present location.

It is further denied by the Distribution Licensee that the transformer is being installed on any personal property.

A printout of the communication by the local villages, purportedly sent to the Distribution Licensee, handed over in Court today by learned counsel for the Distribution Licensee, be kept on record.

Learned counsel for the petitioner controverts such submissions and places reliance on the document annexed at page 23, which is the diametrical opposite of the representation relied on by the Distribution Licensee, being a contrary representation, apparently also given by several persons .

Be that as it may, in order to ascertain the authenticity and veracity of the objections cited by both sides and to resolve the dispute between the parties, the District Magistrate concerned is the appropriate authority under the Works of Licensees Rules, 2006.

Accordingly, WPA No.14948 of 2023 is disposed of by granting liberty to the parties to approach the concerned District Magistrate with the dispute, as raised in the present writ petition, by way of a proper application.

If such an approach is made, the District Magistrate shall resolve the issue in accordance with law, upon giving an opportunity of hearing to all interested parties, as expeditiously as possible, preferably within ten weeks from the date of communication of this order to the District Magistrate.

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.)