

AD-08
Ct No.09
06.09.2023
TN

WPA No. 16079 of 2023

Basudeb Mondal
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the CESC Limited

- 1.** It transpires from the report filed by the CESC Limited on the last occasion when the matter was taken up that the transformer-in-question is situated, according to the CESC Limited, in a technically suitable position and is completely segregated from the petitioner's house and in a safe position.
- 2.** Learned counsel for the petitioner, however, relies on photographs annexed to the writ petition and reiterates that the transformer is situated immediately adjacent to the wall of the petitioner's property. Accordingly, the same is dangerous.
- 3.** Since a dispute on factual premise has arisen in that regard, the matter is required to be adjudicated by the concerned District Magistrate.

- 4.** Accordingly, WPA No. 16079 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned District Magistrate having territorial jurisdiction with the grievance as iterated herein. If so approached, the District Magistrate shall decide the issues in accordance with law as expeditiously as possible, positively within six weeks from the date of such approach being made by the petitioner.
- 5.** This court has not entered into the factual merits of the respective contentions of the parties.
- 6.** There will be no order as to costs.
- 7.** 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.)