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18.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16190 of 2023

Shri Shambhu Rajak & Anr.

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Buddhadeb Ghoshal,
Mr. Jayanta Kumar Datta,
Mr. Saikat Shaha Banik

...for the petitioners

Mr. Debjit Mukherjee

...for the WBSEDCL

Mr. Jagabandhu Ray

...for the State

Learned counsel appearing for the petitioners places reliance on the Works of Licensees Rules, 2006 and submits that the District Magistrate is the appropriate authority from whom permission is required to be taken for carrying out any work by the Distribution Licensee.

In the present case, it is contended that, without permission of the petitioners, a transformer has been installed immediately adjacent to the petitioners' property.

Learned counsel appearing for the State files a report, which is kept on record.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited

(WBSEDCL) submits that since the transformer has already been installed, the matter be referred to the District Magistrate for resolution. It is further submitted, by placing reliance on a communication dated June 05, 2023, which is also kept on record, that the petitioners are allegedly encroaching upon PWD land.

Obviously, such contentions are controverted by learned counsel for the petitioners.

A copy of the document relied on by learned counsel for the WBSEDCL is handed over to the learned advocate appearing for the petitioners.

Be that as it may, since a fact-finding enquiry may be necessitated to resolve the issue raised by the petitioners, it would be appropriate if the matter is referred to the District Magistrate for resolution.

Accordingly, W.P.A. No. 16190 of 2023 is disposed of by granting liberty to the petitioners to approach the respondent no. 6, that is, the District Magistrate, North 24-parganas with the disputes as raised in the present writ petition.

If so approached, the respondent no. 6 shall act on a server copy of this order and resolve the issues in accordance with law, upon giving adequate opportunity of hearing to all concerned, including the petitioners as well as the Distribution Licensee.

It is expected that the said adjudication shall be concluded as early as possible, positively within eight 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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)