

AD-18
Ct No.09
01.08.2023
TN

WPA No. 17666 of 2023

Sri Ramkrishna Mondal
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Anirban Banerjee
.... for the petitioner

Mr. Debjit Mukherjee
.... for the WBSEDCL

Learned counsel for the petitioner, an agriculturist, submits that the petitioner is aggrieved by the erection of an electricity pole, which is unused, in the middle of the road in front of the petitioner's plot.

It is contended that the same is being used for unauthorized purposes by local anti-socials but not for giving electricity to any person. Moreover, the location of the electricity pole is preventing the petitioner from having smooth access of his bullock carts, and if necessary patients, in and out of the petitioner's premises, which was situated adjacent to the pole.

As such, the petitioner seeks shifting of the pole, which has not been acceded to by the respondent-authorities. It is contended that although the petitioner approached the District Magistrate, who

requested shifting of the pole, the same was never done by the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Learned counsel for the WBSEDCL files a report, purportedly issued by the Assistant Engineer & Station Manager, Labpur Customer Care Centre, WBSEDCL. The same indicates that the pole was installed in the year 2017 and the first complaint was received only in April, 2022. That apart, it is being used for giving electricity connection to the local villagers. Moreover, it is stated that there is a Panchayat drain and electric pole on the other side of the road.

Be that as it may, since a dispute has been raised, for deciding which factual considerations have to be weighed in, it would only be prudent for the concerned authority, that is, the District Magistrate, to decide the issues.

Accordingly, WPA No. 17666 of 2023 is disposed of by granting liberty to the petitioner to approach the respondent no. 4, that is, the District Magistrate, Birbhum with the grievance of shifting the pole as raised herein.

Upon such approach being made, the District Magistrate, if he feels necessary, shall direct a report to be furnished on an enquiry by the local Block Land

and Land Reforms Officer and proceed to decide the issues raised in accordance with law, upon giving opportunity of hearing to both sides, without being influenced in any manner by any of the observations made herein.

It is expected that the District Magistrate shall dispose of the dispute as expeditiously as possible, positively within six weeks from it being referred to the District Magistrate by the petitioner.

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.)