

10.06.2024
Item No.19
gd/ssd

MAT/324/2023
CAN/1/2023
SMT. DEEPA JAISWAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Kallol Basu,
Mr. Om Narayan Rai,
Mr. Nilanjan Pal,
Mr. Samik Sarkar,
Mr. Shubrajyoti Mookherjee
..for the Appellant.

Mr. S.K. Panja,
Mr. Sumit Ray
..for WBSETCL.

1 We have elaborately heard the learned advocates for the parties.

2. We are of the considered view that the learned Single Bench was fully justified in dismissing the prayer sought for in the writ petition for objecting to the erection of a tower by the Power Grid Corporation. The learned Single Bench has also noted that 98% work has already been completed.

3. In such circumstances, the court cannot interdict the process more particularly when the District Magistrate has considered the factual position and rejected the objections raised by the appellant.

4. The learned advocate appearing for the appellant raises an alternate plea by way of a

supplementary affidavit by referring to Section 17 of the Indian Telegraph Act, 1885.

5. However, it is not clear as to whether such a request under Section 17 could be entertainable at this stage of the matter.

6. In any event this being a technical matter it is best left to the authorities to take a decision.

7. In the light of the above, while affirming the order passed by the learned Single Bench liberty is granted to the appellant to file an application under Section 17 before the appropriate authority which shall be considered in accordance with law as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of such application.

8. With the above observation, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)