

Item No.14
09.07.2024
Court. No. 9
GB

W.P.A. 9750 of 2024

Abdul Awal Mondal
Vs.
The State of West Bengal & Ors.

Mr. Mohaimenl Mondal

...for the Petitioner.

Mr. Dr. Madhusudan Saha Roy

...for the WBSEDCL.

*Mr. Sailendra Nath Chakraborty,
Mr. Hemanta Kumar Das,
Ms. Poushali Das*

...for the State.

1. The petitioner contends that he is the absolute owner of Plot no.1124 measuring about 15 decimals out of 17 decimals in Mouza – Chor Muktarpore. The petitioner is aggrieved by the activities of the West Bengal State Electricity Distribution Company Limited. Allegation is that a sub-station was installed and high tension lines are allegedly being drawn over the plot owned by the petitioner.
2. The learned advocate for the WBSEDCL submits that at the time of drawal of line and construction of sub-station, the local persons/inhabitants resisted. No one produced any document of title in respect of the said land. The land did not belong to the petitioner. However, due to the physical obstruction posed by the local inhabitants, the line could not be drawn. The line was being drawn to grant industrial connection to M/s. Rajesh Oil Mill. It is also submitted that the authorities have taken all precautions to maintain the safety and security norms.

3. First and foremost, it is a disputed question as to whether the land on which the sub-station has been installed and the poles have been erected, belongs to the petitioner or not. For such adjudication, an inspection by the electricity authority in the presence of the Block Land and Land Reforms Officer would be necessary for identification of the plots upon comparison of the same with the mouza map and title deeds. The demarcation of the land shall be made on the basis of such inspection. The inspection will be held in the presence of the petitioner and the proprietor of M/s. Rajesh Oil Mill.
4. If it is found that the petitioner's land is being utilized by the authority then adequate compensation shall be paid to the petitioner.
5. Needless to mention, after the demarcation the authority will pass a reasoned order upon hearing the parties and indicate how the safety norms have been maintained.
6. Moreover, this is a case of drawal of the high tension line and the safety measures have been provided in the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023. Regulations 62 and 63 are quoted below:-

“62. Clearance from buildings of lines of voltage and service lines not exceeding 650 V. (1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage not exceeding 650 V passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point,

on the basis of maximum sag, shall be observed, namely: -

(i) for any flat roof, open balcony, varandah roof and lean-to-roof, -

(a) when the line passes above the building, a vertical clearance of 2.5 metre from the highest point; and

(b) when the line passes adjacent to the building, a horizontal clearance of 1.2 metre from the nearest point;

(ii) for pitched roof, -

(a) when the line passes above the building, a vertical clearance of 2.5 metre immediately under the line; and

(b) when the line passes adjacent to the building, a horizontal clearance of 1.2 metre.

(3) Any conductor so situated as to have a clearance less than that specified in sub-regulation (2) shall be replaced with Aerial Bunched Cable and to be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 350 kgf.

(4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.

(5) The vertical and horizontal clearances shall be measured as per illustration provided in Schedule VIII C. Explanation. For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

63. Clearances from buildings of lines of voltage exceeding 650 V. (1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage exceeding 650 V passes above or adjacent to any building or part of a building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than, -

- (i) for lines of voltages exceeding 650 V and up to and including 33 kV

3.7 metre;
- (ii) for lines of voltages exceeding 33 kV

3.7 metre plus 0.30 metre for every additional 33 KV or part thereof.

(3) The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than, -

- (i) for lines of voltages exceeding 650 V and up to and including 11 kV

1.2 metre;
- (ii) for lines of voltages exceeding 11 kV and up to and including 33 kV

2.0 metre;
- (iii) for lines of voltages exceeding 33 kV

2.0 metre plus 0.3 metre for every additional 33 kV or part thereof.

(4)For high voltage direct current systems, the vertical and horizontal clearances, on the basis of maximum deflection due to wind pressure, from buildings shall be maintained as below:

Sl. No.	High Voltage Direct Current	Vertical Clearance (metre)	Horizontal Clearance (metre)
1.	100 kV	4.6	2.9
2.	200 kV	5.8	4.1
3.	300 kV	7.0	5.3
4.	400 kV	7.9	6.2
5.	500 kV	9.1	7.4
6.	600 kV	10.3	8.6
7.	800 kV	12.4	10.7

(5) The vertical and horizontal clearances shall be as measured as illustrated in Schedule VIII C.

Explanation. For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary."

7. Needless to mention, such safety norms must also be followed.
8. The police authority is directed to render adequate assistance to the inspection team, if requested. The entire exercise will be completed within two months from communication of this order.
9. Accordingly, the writ petition is disposed of.
10. However, there will be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)