

AD-22
Ct No.09
07.05.2024
TN

WPA No. 11872 of 2024

Timir Baran Maity and another
Vs.
The Chairman, West Bengal State Electricity Transmission
Company Ltd. and others

Mr. B.P. Mondal,
Mr. Sukanta Mondal

.... for the petitioners

Mr. Sumit Kr. Panja,
Mr. Sumit Roy

.... for the WBSETCL

Ms. Bratati Roy Chowdhury,
Ms. Mita Biswas

.... for the State

- 1.** The petitioners have challenged the quantum of compensation granted to the petitioners by the Additional Chief Engineer, Kharagpur Field Zonal Office, WBSETCL.
- 2.** Learned counsel appearing for the WBSETCL rightly points out that the quantum can be challenged by an equally efficacious alternative remedy before the concerned District Judge under Section 16(3) of the Indian Telegraph Act, 1885.
- 3.** In view of the availability of such alternative remedy, this court deems it prudent, particularly since factual issues are also involved, to relegate the matter to the said appropriate authority. It would only be appropriate if the petitioners exhaust such remedy prior to moving the writ court.

- 4.** Accordingly, WPA No. 11872 of 2024 is disposed of by granting liberty to the petitioners to approach the concerned District Judge under the relevant provisions of the Indian Telegraph Act with the challenge to the quantum of compensation granted by the impugned order to the petitioners.
- 5.** It is made clear that this court has not entered into the merits of the case and it will be open to the learned District Judge to decide all questions independent of any observation mere herein.
- 6.** If such a challenge is preferred, the District Judge shall decide all issues involved in accordance with law, upon giving adequate opportunity of hearing to the petitioners as well as the WBSETCL and all else concerned.
- 7.** There will be no order as to costs.
- 8.** 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.)