

Sl. No.05
10.12.2024
Suman
Ct. 15

WPA 12479 of 2024

Ananda Marga Pracarak Samgha and Anr.
Vs.
Kolkata Municipal Corporation and Ors.

Mr. Kaustav Chandra Das
..for the petitioners

Mr. Sujit Sankar Koley
..for WBSETCL

Dr. Madhusudan Saha Roy
..for CESC

Mr. Priyanka Saha
Ms. Reshma Chatterjee
..for the State

Ms. Sima Chakraborty
Ms. Paushali Banerjee
..for KMC

The petitioners have raised a grievance that a high-tension electricity line runs through Laskarhat, Bidhannagar, Kolkata-700039.

The learned advocate for the petitioners submits that they have constructed a building at premises no.842/1248, Laskarhat, Bidhannagar, Kolkata-700039, leaving a 12-foot-wide space from the high-tension line,

in compliance with the relevant electricity regulations. However, the petitioners have observed that unauthorised constructions have been carried out in this area without leaving the mandatory space, thereby exposing the area to potential hazards.

A report has been filed by the Corporation with regard to premises no.171/2, Picnic Garden Road, under Ward No.107, Borough-XII of Kolkata Municipal Corporation, which states:

“After receiving complaint building department inspected site and found that the brick work with reinforcement work going on above the existing single storied building without sanctioned plan. KMC building department issued stop work notice U/S 401 and Police Intimation. Now the matter is processing U/S 400 of KMC Act, 1980.”

Additionally, West Bengal State Electricity Transmission Company Limited (WBSETCL) has filed a report, which reads as follows:

“In line with your WPA No.12479 of 2024 we have visited the said Place of Anand Marg Pracharak Sangha, premises namely “Pracheta Bhawan” situated at 842/1248, Laskarhat, Bidhannagar, near V.I.P. Bazar, near Bye Pass, Kolkata – 700039 (hereinafter referred to as the “said premises”). 132 KV Kasba Sonarpur D/C EHV Lines of WBSETCL has been passed adjacent to one side of the property.

It is pertinent to mention that a bare perusal of the Electricity Act, 2003 and the Telegraph Act and rules

framed thereunder, makes it mandatory to ensure that the high tension line goes through a path which is a construction free zone. Now as per the information depicted from Point No.03 of Page 05 i.r.o.WPA No.12479 of 2024, some unauthorised construction has been made under the EHV Transmission line without maintaining proper clearance. These are very dangerous. As per Indian electricity Rule No such Construction is legal under the EHV Transmission line without maintaining proper clearance. Otherwise fatal accidents may occur anytime. WBSETCL has no licence to provide electricity directly to anyone and it is not feasible also because the voltage level is 132000 V. Also it is to clearly mention that no intimation has been given to WBSETCL regarding these illegal constructions and WBSETCL has no involvement as well. So, appropriate authority & Local Administrations are hereby requested to take strict & immediate actions against such unauthorised construction under WBSETCL Line.”

In light of the foregoing observations, I direct the Corporation to initiate demolition proceedings regarding the unauthorized construction at premises No. 171/2, Picnic Garden Road, in Ward No. 107, Borough-XII, within two weeks from the date of this order, in accordance with the law. Prior to initiating the demolition, the Corporation shall inform the West Bengal State Electricity Transmission Company Limited (WBSETCL) and Calcutta Electric Supply Corporation (CESC) to take the necessary actions from their end.

Accordingly, **WPA 12479 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)