

D/L.42.  
May 15, 2024.  
MNS.

WPA No. 12665 of 2024

Niranjan Bhar  
Vs.  
The State of West Bengal and others

Mr. Panchanan Hajra

... for the petitioner.

Mr. K. J. Yusuf,  
Ms. Mummun Ganguly

...for the State.

Mr. Sumit Kumar Panja,  
Mr. Sumit Roy

...for the WBSETCL.

1. The petitioner approached this Court for shifting of High-Tension electricity line of the West Bengal State Electricity Transmission Company Limited (WBSETCL) from over the petitioner's property to a location where the connection could be taken in a straight line. It was alleged that the WBSETCL deliberately deviated from the straight line while taking such connection by taking it over the petitioner's land.
2. The petitioner had approached this Court. Ultimately, the matter went up in appeal and

the District Magistrate was directed to resolve the issue. During pendency of the dispute before the District Magistrate, the private respondent, it is alleged, is seeking to make construction, thereby frustrating any prospective direction by the District Magistrate. The writ petition has been preferred in such context.

3. Learned counsel for the State submits that a similar prayer had been made before the Block Development Officer (BDO), which was turned down by the BDO upon an inspection and spot verification.
4. Learned counsel for the WBSETCL submits that the project, which is for public benefit, is being stalled indefinitely due to pendency of the matters.
5. Upon careful consideration of the materials on record and the submissions of the parties it is clear that the matter is sub judice before the concerned District Magistrate pursuant to the directions of the appellate Bench of this Court.
6. The apprehension of the petitioner is merely that the construction being made by the private respondent may adversely affect the

ultimate relief sought by the petitioner before the District Magistrate.

7. However, the relief sought in the present writ petition restraining construction by the private respondent falls entirely within the domain of the jurisdiction of the civil court and not the writ jurisdiction of this court.
8. It will be open for the petitioner, if aggrieved, to approach the District Magistrate seeking appropriate remedy till disposal of the dispute by the District Magistrate.
9. If so approached, the District Magistrate will consider the same in accordance with law independent of the observations made herein.
10. That apart, any construction which may be made in the meantime by any of the parties, shall be subject to the decision by the District Magistrate in the pending dispute.
11. In the light of the above observations, WPA No. 12665 of 2024 is disposed of with the expectation that the District Magistrate shall decide the disputes upon hearing all stakeholders and in accordance with law as expeditiously as possible.
12. Written instructions filed by the State in court today be kept on record.

13. There will be no order as to costs.

14. 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.)