

D/L:9.
May 14, 2024.
MNS.

WPA No. 12792 of 2024

Tridib Mondal
Vs.
The State of West Bengal and others

Mr. Panchanan Hajra

... for the petitioner.

Ms. Jhuma Chakraborty,
Mr. Suddhadev Adak

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. The grievance of the petitioner is that allegedly the petitioner's property was encroached by the Distribution Licensee by taking electricity connection over the same without permission/consent of the petitioner, in violation of the Works of Licensees Rules, 2006 (2006 Rules).
3. It is further argued on behalf of the petitioner that as per Clause 2.16 of the Manual of Specifications & Standards for Four Laning of Highways through Public Private Partnership, issued by the Indian Road Congress, 2014, a two metre wide strip of land at the extreme

edge of right of way shall be kept for accommodating utilities, both over as well as underground. The same, according to the said provision, is to be called a 'utility corridor'.

4. It is submitted that no such utility corridor has been left between the earmarked area for the Highway authority and the petitioner.
5. The petitioner has written to the concerned authorities, but to no effect.
6. Learned counsel appearing for the State respondents submits that the concerned District Magistrate is the appropriate authority to decide such disputes.
7. There is substance in such contention of the respondents inasmuch as the 2006 Rules contemplate several tiers of decision, the first of which is the District Magistrate.
8. Since the petitioner alleges that the Distribution Licensee has not taken prior consent of the petitioner for taking such electricity line over the petitioner's property, the appropriate authority to decide the said dispute is the District Magistrate.
9. Accordingly, WPA No. 12792 of 2024 is disposed of by granting the petitioner liberty to approach the respondent no. 5, that is, the

District Magistrate, Hooghly, with the dispute as raised in the present writ petition.

10. Upon such approach being made, the District Magistrate shall, upon giving adequate opportunity of hearing to the petitioner, to the Distribution Licensee as well as all other interested parties, decide the said dispute in accordance with law as expeditiously as possible, positively within June 30, 2024.

11. It is made clear that the merits of the disputes have not been entered into by this Court.

12. In the event the District Magistrate finds that the line has been drawn over the property of the petitioner in contravention of the relevant laws/regulations, appropriate directions shall be passed by the District Magistrate for the Distribution License to shift the same in accordance with law.

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.)