

29.07.2024
Court No.09
Item no.265
CP

WPA No. 14042 of 2024

Raja Sarma

Vs.

The Chairman, West Bengal State Electricity
Distribution Company Limited & ors.

Mr. Robiul Islam

Mr. Syed Mosihar Rahman

....for the petitioner.

Ms. Juin Dutta Chakraborty

Mr. Debasish Kundu

Mr. B. Modak

....for the respondent no. 5.

Mr. Debanjan Mukherjee

.....for the WBSEDCL.

Perused the report of inspection prepared by the D.E(E) & Station Manager, Ajodhya Customer Care Centre. The same is taken on record.

The distribution company found two routes through which connection could be given to the petitioner. Route – X and route – Y. In respect of Route – X, Sahadeb Samanta raised objection on the ground that there was an injunction passed in Title Suit No.627 of 2023 and the LTOH line could not be drawn through Schedule B. With regard to Route – Y the land through which the LTOH line would be drawn belonged to one Joydeb Samanta, but one Kalyan Santra, son of late Bijoy Santra raised an alternative title dispute.

Thus, the distribution company was of the view that without proper demarcation by the Block Land & Land Reforms Officer, Shyamur-II Development Block, the authority could not decide the matter. Title disputes had arisen in respect of the two routes.

The authorities has also found that apart from Route – X and Route – Y, there was no other alternative provision. The authorities specifically stated that the route through the baram rasta, upon erection of three poles of 8 meters height, would be most suitable for grant of connection to the petitioner.

The petitioner on the other hand submits that he had purchased the land from Joydeb Samanta. A suit may be pending but, no order of restraint was passed upon the WBSEDCL from erecting any pole.

Under such circumstances, as the clear passage could not be detected by the WBSEDCL and Route X and Route Y were objected to by respective persons on the ground of title and ownership, the only order that can be passed is to direct the WBSEDCL to refer the matter to the concerned District Magistrate under the Works of Licensees Rules.

The District Magistrate shall decide the matter upon hearing the parties/objectors and the petitioner

and pass a reasoned order within a period of three months from the date of reference.

The WBSEDCL will refer the matter to the District Magistrate concerned within ten days from the date of communication of this order.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)