

07-11-2024
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.18116 of 2024
Nikhil Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Arijit Chatterjee
Mr. Kalidas Saha
Ms. Khushi Mollick
Ms. Mandira Mandal
Ms. Susmita Mukherjee ...for the petitioner

Mr. D. Mukherjee
Ms. Susmita Chatterjee ...for the State

Mr. Sumit Kumar Panja
Mr. Sumit Roy ...for WBSETCL

1. Affidavit of service filed by the petitioner and the written instructions filed on behalf of WBSETCL be taken on record.

2. It appears from the written instructions dated July 19, 2024 signed by the Divisional Engineer (Electrical), Malda Field Zonal Office, West Bengal State Electricity Transmission Co. Ltd that the project of construction of 132 KV double circuit line from Malda PGCIL 400 KV sub-station to Manikchak 132 KV sub-station under package C4 cannot be completed because of the obstruction raised by the petitioner.

3. According to the petitioner, WBSETCL will be drawing overhead lines over the orchard of the petitioner and the crops of the petitioner will be affected. Furthermore, the same is the sole source of income of the petitioner and the loss incurred by him cannot be

compensated.

4. From the documents annexed to the writ petition, it appears that hearing was fixed on July 1, 2024 for redressal of the issue, but final order is yet to be passed.

5. From the instructions forwarded by the Transmission Company Limited it also appears that the land in question has several owners. It has been submitted that only the petitioner is objecting to the work in question.

6. The work commenced sometime in the year 2023 and the instructions reveal that 95% of the transmission line is complete, but energization of the same cannot be made in view of the objection raised by the petitioner. The project is to mitigate severe electricity problem of various blocks in the district of Malda.

7. Upon hearing the parties and upon perusal of the materials on record, the instant writ petition is disposed of by directing the Divisional Manager of WBSETCL, the third respondent herein, to grant an opportunity of hearing to the petitioner and all other necessary parties and find out a solution to the issue in question.

8. Steps shall be taken in the matter strictly in accordance with law at the earliest, but positively within a period of eight weeks from the date of communication of this order.

9. A reasoned order shall be passed and communicated to the parties immediately thereafter.

10. It is made clear that the public project ought not to be delayed any further and a solution at the earliest is required to be arrived at in the hearing that will be

conducted by the aforesaid authority.

11. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]