

19.08.2024
Sl. No.19(DL)
srm

W.P.A. No. 19603 of 2024
Sri Asit Ghosh
Versus
The State of West Bengal & Ors.

Mr. Gazi Fauque Hossain,
Ms. Varsha Roy
...for the Petitioner.

Dr. Madhusudan Saha Ray
...for the WBSEDCL.

Mr. Ziaul Haque
...for the Respondent Nos.7-9.

Mr. Supriya Chattopadhyay
...for the State-respondents.

Affidavit-of-service is taken on record.

The Pradhan, Guptipara No.2 Gram Panchayat, Officer-in-Charge, Balagarh, Hooghly, concerned BLLRO and the Divisional Manager, West Bengal State Electricity Distribution Company Limited, shall comprise of a team, which shall cause an inspection of LR Plot No.212 of Mouza Aida Kismat, to which the high tension line has been proposed to be shifted. The inspection will be held for identification and demarcation of the area which the panchayat authorities claim to be owner and the area of which the respondent Nos.7 to 9 claim to be their land. As the said land comprises of 19 decmimals, the team will inspect

and demarcate the area which belongs the panchayat authorities or to any authority of the government and shift the high tension lines to the said identified area. If the area cannot be identified or the LR plot is found to be a private land, the question of refund of the money taken for such shifting shall arise.

The respondent Nos.7 to 9 claim to be owners of approximately 2 decimals out of 19 decimals in the said LR plot. Thus, the identification and demarcation of the area belonging to the panchayat authorities, is necessary.

During inspection, all parties will cooperate with the authorities. The inspection and demarcation will be held in the presence of the parties and a report shall be supplied to the parties. Thereafter, a decision shall be taken upon hearing all the parties.

The entire exercise shall be completed within three months from the date of communication of this order.

It is made clear that shifting should be made to any land either belonging to the panchayat or to any government authority, but not to any private land. If the land is accordingly identified, the shifting shall be completed by the authority and if the land cannot be identified, necessary order shall be passed by the authority upon hearing all the parties. In the event the authorities cannot identify such land, the WBSEDCL will refund

the quotation money which was taken from the petitioner for such shifting.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)