

Item No.13
03.09.2024
Court. No. 9
GB

W.P.A. 21887 of 2024

Swami Vivekananda Academy & Anr.
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Lakshman Chandra Halder

...for the Petitioners.

Mr. Debjit Mukherjee

...for the WBSEDCL.

The petitioners prayed for enhancement of the connected load. The petitioner no.1 is a school and the petitioner no.2 is the Secretary of the said school. Upon inspection, the authorities permitted the enhancement. The petitioners deposited the amount. When the authorities were in the process of enhancement and installation of a pole and a transformer, the neighbouring school, that is, the respondent no.4 raised objection.

The respondent no.4 is not present, despite service.

As the respondent no.4 claimed to be the owner of the land on which the transformer was sought to be installed by the West Bengal State Electricity Distribution Company Limited for the purpose of enhancement of the load of the petitioners, the matter has now transformed into a dispute with regard to right, title and interest.

The petitioners submit that the transformer is to be installed on a road maintained by the P.W.D., whereas the respondent no.4 claims title.

Under such circumstances, this dispute has to be resolved by the District Magistrate, Hooghly under the Works of Licensees Rules. The Station Manager, Dhaniakhali Group Electric Supply, shall transfer all records including this writ petition to the District Magistrate, Hooghly within a week from date. The District Magistrate, Hooghly will decide the matter upon hearing the petitioners, the respondent no.4 and the concerned Station Manager. If required, the concerned Block Land and Land Reforms Officer shall also be requested to cause an inspection for demarcation and identification of the land and to ascertain whether the respondent no.4, on the basis of the records, have any claim on the land or the land is a public road or a passage used by the public. All parties shall be allowed to file their objections/written versions and adduce evidence. A reasoned order shall be passed and communicated to all concerned.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)