

16th January,
2024
(AK)
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W.P.A 28639 of 2023

Sk. Alim
Vs.
The West Bengal State Electricity Transmission Company
Limited and others

Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Jakir Hossain
Mr. Sayan Mukherjee
Ms. Payel Khanna
...for the petitioner.

Mr. Sumit Kr. Panja
Mr. Sumit Roy
...for the WBSETCL.

Mr. Malay Kumar Singh
Mr. Anis Dutta Sarma
...for the State.

1. The petitioner submits that the petitioner had a ‘Sali’ land purchased and converted to ‘Bastu’ upon obtaining proper permission from the concerned Block Land and Land Reforms Officer (BL & LRO) in the year 2023.
2. Thereafter, the petitioner also obtained a valid sanction plan from the local Panchayat for constructing a two-storied building on the property and started construction.
3. However, upon the ground floor being completed and the first floor being on the verge of commencement, the petitioner discovered that two pillars have been installed on two sides of the

petitioner's property and a high tension connection is being sought to be taken over the petitioner's property by the West Bengal State Electricity Transmission Company Limited (respondent no.1), which will be utterly to the detriment of the petitioner and shall interfere with the proposed construction and the safety of the petitioner.

4. It is submitted that the entire construction of the building as per valid sanction plan will be hampered if the connection is taken immediately over the property of the petitioner.
5. Thus, the petitioner sought for a shifting of the proposed high tension line which has not yet been completed and also is willing to pay a portion of the shifting charges, if so called upon to pay.
6. Learned counsel for the State submits that the BL&LRO sought for mediation in the matter. However, the petitioner did not turn up in the meeting called for by the BL&LRO and other authorities.
7. Learned counsel for the WBSETCL submits that the project was notified as long back as on November 16, 2021.
8. Thereafter, substantial portion of the said project has already been completed. Thirteen pillars have already been installed.

9. Foundation work for Pillar nos.4 and 5 has already been done. The petitioner's property falls within the said two pillars, that is, pillar nos. 4 and 5.
10. At this juncture, it is impossible to shift or deviate from the original project plan, which would involve huge hardship and borders on impossibility.
11. It is further argued that the project is for the improvement of the voltage profile to Santragachi and concerns essential services and amenities to be provided to the public at large.
12. Upon a consideration of the rival contentions of the parties, it transpires that the petitioner obtained permission to convert the land from 'Sali' to 'Bastu' and obtained a sanction plan to construct thereon, respectively from the BL & LRO and the Panchayat, pursuant to which the petitioner started construction only in the year 2023.
13. However, the public notification issued by the WBSETCL for the project-in-question was dated November 16, 2021, that is, much before the petitioner undertook such endeavour.
14. Hence, since the public notification is deemed to be a notice to all at large, it cannot be said that the petitioner was unaware in law regarding the said project.
15. Since the petitioner, even thereafter, chose to proceed with obtaining a sanction plan and

conversion of the property, the petitioner has taken a risk for which the petitioner has to suffer now.

16. In any event, the WBSETCL, on query of court, and on proper exploration, submits that it is not possible or feasible to have a shifting of the huge project to an alternative route, which is on the verge of completion.
17. Moreover, keeping in view the balance of the interest of the public at large, which is involved in successful completion of the project, on the one hand and the personal interest of the petitioner on the other, the latter has to give way to the former.
18. Hence, on such considerations, no relief can be granted to the petitioner.
19. Accordingly, WPA 28639 of 2023 is dismissed on contest without any order as to costs.
20. However, the petitioner shall be entitled to due compensation for the loss suffered by the petitioner due to the project.
21. The WBSETCL shall give a further opportunity of hearing to the petitioner and assess the compensation payable to the petitioner on such score.
22. If the petitioner is aggrieved by such quantum of compensation, the petitioner will be at liberty to approach the concerned District Judge having jurisdiction for appropriate remedy in that regard.

23. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)