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03.10.2024
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 1282 of 2024
IA No. CAN 1 of 2024
CAN 2 of 2024
CAN 3 of 2024**

**Abhijit Tea Company Pvt. Ltd.
-versus
West Bengal State Electricity
Transmission Co. Ltd. & Ors.**

**Mr. Bikramaditya Ghosh,
Mr. Sitesh Gupta,
Ms. Supriya Singh,
Mr. Swarup Das,
Mr. Ved Rai.
...For the Petitioner.**

**Mr. Joyjit Choudhury, AAG,
Mr. Subir Kumar Saha, AGP,
Mr. Nabankur Paul.
...For the State.**

**Mr. Sudipta Kanta Bhowmik,
Mr. Anirban Banerjee,
Ms. Dipti Bhowmick.
...For WBSETCL.**

1. Learned advocate appearing for the petitioner has referred to the order passed by the District Magistrate, Jalpaiguri on 23rd August, 2024 annexed at pages 74 to 76 of CAN 2 of 2024 filed in connection with the writ petition being WPA 1282 of 2024.

2. It appears that certain directions were passed by the District Magistrate. Direction no. 6 mentions that upon completion of the installation of the towers for laying the single circuit transmission line on double circuit towers within the Raja Tea Estate, the

licensee shall remove all such construction materials from the said site and restore the same to its previous condition so as to enable further tea plantation.

3. Learned advocate appearing for the petitioner submits that the installation of the towers and electrifying lines are over.

4. The attention of the Court has been drawn to a notice dated 25th September, 2024 written by the Additional Chief Engineer of the Siliguri Field Zonal Office, WBSETCL, Siliguri mentioning that as precautionary measure the general people has been informed that directly coming in contact with the live conductor of the said electricity connection or coming in close proximity of the above live conductor of the line may cause fatal injury.

5. The petitioner apprehends that it may not be possible to proceed with any further tea plantation in view of the direction issued by the transmission Company.

6. Presently, it has to be ascertained as to whether further tea plantation can be made in the tea garden. The petitioner seeks adequate compensation.

7. Without entering into the merit of the claim of the petitioner the instant writ petition is disposed of by directing the District Magistrate to consider the prayer of the petitioner seeking compensation consequent to the precautionary notice issued by the Transmission Company Limited after giving a reasonable opportunity of hearing to the petitioner, the representative of the Transmission Company Limited and any other necessary party at the earliest but positively within a period of ninety days from the date of communication of this order.

8. The consideration will be restricted only to the direction no. 6 at page 76 of CAN 2 of 2024 and

notice dated 25th September, 2024 by the Transmission Company Limited.

9. A reasoned order shall be passed and communicated to the petitioner.

10. Learned advocate appearing for the petitioner is directed to forward a copy of the notice dated 25th September, 2024 to the District Magistrate at the time of communicating the order of the Court.

11. The writ petition and all the connected applications stand disposed of.

12. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)