

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

F.M.A. 370 of 2025

Niranjan Bhar & Anr.

vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

For the Appellants : Mr. Kumar Jyoti Tewari, Sr. Adv.,
Mr. Panchanan Hajra
Mr. Amrit Sinha
Mr. Aniruddha Tewari

For the WBSETCL : Mr. Sumit Kumar Panja
Mr. Sumit Roy

For the State : Mr. K.J. Yusuf, Ld. A.G.P.,
Ms. Munmun Ganguly

Heard & Judgment on : **August 13, 2025**

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated January 14, 2025 passed in
WP.P.A. 23456 of 2024.
2. Appeal is at the behest of the writ petitioners.

3. By the impugned order, learned Single Judge dismissed the writ petition by permitting the appellants to produce proof of damage, if any sustained by the appellants due to drawing of the high tension line over his plot of land.
4. Learned senior advocate appearing for the appellants submits that the appellants owned 6 decimal of land. High tension line was taken over the plot belonging to the appellants by the Transmission Company. He submits that the high tension line was drawn in deviation by the original plan.
5. Learned senior advocate appearing for the appellants submits that the deviation was made in order to give an advantage to a liquor shop located at an adjacent plot of land. He submits that by reason of the high tension line, appellants are not in a position to utilize the plot of land for further development. Appellants will not be in a position to change the nature and character of the land also.
6. Learned senior advocate appearing for the appellants draws the attention of the Court to the order of the District Magistrate dated August 21, 2024 and submits that the District Magistrate was of the view that the Transmission Company should determine the compensation and disburse the same to the appellants for any damage sustained by them by reason of

exercise of authority conferred upon the Transmission Company under Section 164 of the Electricity Act, 2003 and Section 10 of the Indian Telegraph Act, 1885.

7. Learned senior advocate appearing for the Transmission Company produces the Mouza map and other details that we directed by our order dated August 7, 2025. He submits that no tower was erected on the land belonging to the appellants. He submits that the deviation from the original plan was necessitated due to the change in the ground realities from the date of the detailed project report.
8. Learned advocate appearing for the State submits a report of the District Magistrate which be taken on record.
9. We find from the records that Transmission Company undertook a project of erecting towers to set up high tension line to transmit electricity. One of the plots involved belong to the appellants. High tension line went over the land belonging to the appellants. However, no tower was erected on the land belonging to the appellants.
10. Under the provisions of the Electricity Act, 2003 and the Indian Telegraph Act, 1885, if any person suffers any damages by reason of the erection of high tension of line, then such person is entitled to compensation from the Transmission or the Electricity Company involved. In the facts and

circumstances of the present case, both the District Magistrate as also the learned Single Judge by their respective orders directed computation of the compensation, if any, receivable by the appellants.

11. We find no infirmity in the decision of the learned Single Judge.

12. **F.M.A. 370 of 2025** and the connected application being **CAN 1 of 2025** are disposed of.

(Debangsu Basak, J.)

13. I agree

S.D.

(Md. Shabbar Rashidi, J.)