

S/L 10
25.02.2025
Court. No. 551
Suwayan

**WPA 5707 of 2017
With
CAN 1 of 2020 (Old No. CAN 2181 of 2020)**

**Sabita Pradhan
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.**

Mr. Pritam Choudhury

...for the petitioner.

Mr. Sankar Banerjee

...for the WBSEDCL.

1. By filing the instant writ petition the writ petitioner has prayed for setting aside and/or quashing of the memo dated 22.12.2016 as issued by the respondent no. 5 whereby and whereunder the writ petitioner's request for shifting of the high tension 11 KV electric line was not accorded to on the ground that a dispute is there due to way leave and the proposed shifting is not technically feasible.

2. Mr. Choudhury, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page Nos. 21 to 35 of the instant writ petition being a copy of the registered deed of conveyance dated December 3, 2014 whereby and whereunder the writ petitioner purchased the property in question from one Susovan Giri. Drawing attention of this Court to page No. 36 of the instant writ petition it is submitted by Mr. Choudhry that on 29.03.2016 the purchased plot of the writ petitioner was converted from 'JAL' to 'BASTU' by the jurisdictional BL&LRO. It is

further submitted on behalf of the writ petitioner from page No. 37 of the writ petition it would reveal that the name of the writ petitioner was recorded in the LRROR in respect of relevant plot.

3. It is submitted further that from page No. 39 of the instant writ petition it would reveal also that on May 16, 2016 the writ petitioner made an innocuous prayer before the Divisional Manager of the respondent authority requesting him for shifting of high tension 11 KV line which is standing on her 'bastu' plot. It is submitted that by issuing the said memo dated 22.12.2016 the respondent No. 5 straightaway declined to concede with the request made by the writ petitioner for no reason whatsoever.

4. In course of his submission Mr. Choudhry also draws attention of this Court to the affidavit-in-opposition as filed by the respondent authorities. It is submitted that in such affidavit-in-opposition a flimsy ground has been taken by the said respondent authorities to justify their action as reveals from their memo dated 22.12.2016. It is further submitted that the ground for non-shifting of the said high tension line cannot be considered to be a reasoned one since from page No. 38 being a hand written sketch map of Chaulkhola it would reveal that on the western side of the existing high tension line, Digha-Contai road is there which is parallel to the existing high tension line and there cannot be any predicament in shifting the said high voltage line over Digha-Contai road. It is further submitted by Mr.

Choudhry that the feasibility of shifting can be reviewed by the respondent authorities by making a fresh inspection.

5. Per contra, Mr. Banerjee, learned Advocate appearing for the W.B.S.E.D.C.L. in course of his submission draws attention of this Court to Paragraphs 5 and 6 of the affidavit-in-opposition. It is submitted by Mr. Banerjee that it is the specific case of the respondent authorities that the said high tension line is 20 years old. It is the further case of the respondent authorities that knowing fully well about the existence of the said high tension line the subject land was converted from 'JAL' to 'BASTU' and also knowing fully well the writ petitioner purchased the property-in-question.

6. It is further submitted by Mr. Banerjee that it has been placed on affidavit before this Court that after inspection by the functionaries of the respondent authorities it was noticed that the adjacent plot owners raised objection in writing with regard to the shifting as proposed and one such objection was submitted on March 20, 2017. It is further submitted by Mr. Banerjee that the proposal as given by Mr. Choudhury in course of his submission regarding shifting of high tension line over Digha-Contai road is very much hyper technical and for change of the proposed alignment and relocation of the said high tension line it has been noticed that the said is not feasible even from the technical point of view.

7. On careful consideration of the entire materials as placed before this Court it reveals that it is undisputed

that prior to the purchase of the subject land by the writ petitioner the said high tension electric line was existing and fully knowing the same the writ petitioner took the risk for purchasing the said property which was previously 'jal' in category and subsequently changed to in the category of 'bastu' by the jurisdictional BL&LRO.

8. It thus appears to this Court that by no stretch of imagination it can be said that the said high tension electric line was laid after the purchase of the property – in-question by the writ petitioner and/or without obtaining her consent.

9. This Court is in agreement with the submission of Mr. Banerjee that the proposal for shifting of high tension 11 KV line is very much hyper technical and it involves many types of paraphernalia. It appears to this Court that while considering the representation dated May 16, 2016 as submitted by the writ petitioner the respondent No. 5/authority has duly applied its mind in accordance with law and also considered the feasibility of the proposed shifting as prayed for on the ground of technicality. The said authority has also considered that on account of way leave dispute the prayer as made by the writ petitioner cannot be entertained.

10. This Court considers that the writ petitioner has miserably failed to make a case for violation of any of his fundamental or constitutional rights at the hands of the respondents while issuing memo dated 22.12.2016.

11. In view of the discussion made hereinabove this Court thus finds no reason to interfere with the memo

dated 22.12.2016 since the same appears to be very reasonable especially when the writ petitioner purchased her property knowing fully well that over her land high tension 11 KV line is existing.

12. Considering the entire circumstances, this Court thus finds no merit in the instant writ petition.

13. Accordingly, the writ petition being WPA 5707 of 2017 along with the interim application being CAN 1 of 2020 (Old No. CAN 2181 of 2020) is dismissed.

14. There shall be, however, no order as to costs.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)