

WPA 18029 of 2025**Rasid Jamadar****Vs.****West Bengal State Electricity Distribution Company Limited & Ors.**

Mr. Pallab Kr. Mitra,
Mr. Kousik Bhatta,
Ms. Kritika Jain,
Ms. Trisha Dutta

...for the Petitioner

Mr. Sujit Sankar Koley

...for WBSEDCL

Mr. Shuvanil Chakraborty,
Mr. Chandan Ghosh

...for the Private Respondent

The petitioner is aggrieved by a reasoned order dated January 14, 2025, passed by the Divisional Manager, West Bengal State Electricity Distribution Company Limited (WBSEDCL).

It appears that there is a dispute regarding the electricity connection provided to respondent nos. 6 to 10. The electricity line has been drawn through a pathway which the petitioner claims to be his exclusive property.

Learned Advocate appearing for respondent nos. 6 to 10 disputes such claim and submits that the said pathway has been used as a common pathway by the local residents for the last 100 years.

It further appears that, after hearing the petitioner, the representative of WBSEDCL, and respondent nos. 6 to 10, the Divisional Manager passed the impugned order

holding, inter alia, that there was no other alternative route for installation of the three electricity poles required to effect the electricity connection in favour of respondent nos. 6 to 10.

Even assuming that the petitioner is the exclusive owner of the pathway in question, he would still be under an obligation to provide wayleave for effecting electricity connection in favour of respondent nos. 6 to 10.

Learned Advocate appearing for the petitioner submits, however, that the issue ought to have been decided by the concerned District Magistrate.

The issue of compensation payable to the petitioner has not been decided by the Divisional Manager, and the same can only be adjudicated by the District Magistrate.

Accordingly, WBSEDCL is directed to refer the matter to the concerned District Magistrate in terms of Rule 3(b)(2) of the Works of Licensees Rules, 2006, for deciding whether the petitioner is entitled to any compensation or annual rent, or both, for erection of the electricity poles over the said pathway. Such reference shall be made within a period of two weeks from date, and the District Magistrate shall decide the issue within five months thereafter in accordance with law.

Accordingly, **WPA 18029 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)