

ML- 308
14.01.2025
Court No. 14
BP/AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 23456 of 2024

**Niranjan Bhar & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Kumar Jyoti Tewari. Sr. Adv.
Mr. Panchanan Hazra.
Mr. Amrit Sinha.
Mr. Aniruddha Tewari.
...For the Petitioners.**

**Mr. Sumit Kumar Panja.
Mr. Sumit Roy.
...For the WBSEDCL.**

1. The petitioners are aggrieved by the order passed by the District Magistrate, Hooghly on 21st August, 2024 by disposing of the prayer of the petitioner directing the Transmission Company Limited to determine compensation and disburse the same to the petitioner for any damage sustained by him.

2. High tension lines have been drawn over the land of the petitioners.

3. According to the petitioners, the lines have been drawn in a V shaped. Had the transmission line being drawn straight, then the land of the petitioners could have been saved. The petitioners also submit that the impugned order of the District Magistrate mentions about an advertisement published in the daily newspaper on 5th August, 2017. The petitioners point out to the advertisement and submits that the same has been published in the District of Malda and not in the district of Hooghly where the land of the petitioners is located. The aforesaid advertisement dated 5th

August, 2017 cannot be made applicable in case of the petitioners.

4. Prayer has been made to direct the transmission company limited to alter the transmission line to save the land of the petitioners.

5. Learned counsel representing the transmission company limited submits that the transmission line is required to be drawn as per the alignment. The same cannot be drawn as per the convenience of a particular party.

6. It has been submitted that the petitioners failed to raise any objection within the time as specified in the advertisement dated 5th August, 2017.

7. It has also been submitted that as per Rule 3(4) of the Works of Licenses Rules, 2006 the said rule will not affect the powers conferred upon the licensee under Section 164 of the Electricity Act, 2003.

8. The petitioner refers to Section 3(b) of the Works of Licensees Rules, 2006 in support of the submission that the District Magistrate has the power to direct removal or alteration of the overhead line.

9. I have heard the submission made on behalf of both the parties and have perused the materials placed before this Court.

10. The submission that the transmission wares have been drawn in V shaped cannot be addressed by the Court because the Court is not an expert body to decide such issue.

11. The transmission company limited has submitted that the transmission lines were drawn as per the alignment of the 132 kb high tension line.

12. As regards the submission that the advertisement dated 5th August, 2017 refers to the District of Malda and could not be made applicable in the district of Hooghly where the land of the petitioners is located also cannot be accepted.

13. On a perusal of the said advertisement it is evident that the same is in respect of the Tarakeswar Jangipara transmission line. The police stations mentioned in the said advertisement all relate to the district of Hooghly. None are in respect of the District of Malda. The name of the project that is Tarakeswar Jangipara transmission line has also been clearly mentioned therein.

14. It may be that the petitioners did not notice the advertisement at the proper time and, accordingly, the objection could not be raised.

15. The District Magistrate has already directed for determination of compensation by the transmission company limited and to disburse the same in favour of the petitioner for the damage sustained by him.

16. The transmission company limited is directed to act in terms of the direction passed by the District Magistrate and determine the compensation and disburse the same in favour of the petitioner.

17. The petitioners shall be entitled to produce the proof of damage sustained by him because of the drawing of the high tension line over his plot of land.

18. The transmission company limited shall conclude determination of compensation and disbursement of the amount of compensation at the earliest but positively within a period of twelve weeks from the date of communication of this order.

19. The writ petition stands disposed of.

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

(Amrita Sinha, J.)