

Item-
A-35. 09-06-2026

sg Ct. 19

WPA 10426 of 2026

Lok Nath Chaudhary & Ors.
Versus
The State of West Bengal & Ors.

Mr. Dinababdhhu Chowdhury
Mr. Amal Kr. Saha
Mr. Iresh Paul
Mr. Soumyadip Panda
...for the petitioners

Mr. Nilanjan Bhattacharjee
Mr. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
..for the State

Mr. Sumit Kumar Panja
Mr. Sumit Ray
...for the WBSETCL

Mr. Amit Kumar Nag
Mr. Swarajit Dey
Mr. Partha Banerjee
Ms. Rishita Sarkar
...for the respondent no.9

Learned Counsel appearing for the petitioners submits that the respondent authorities have been duly served. In spite of service, the State is not represented.

Mr. Bhattacharjee, learned Senior Standing Counsel, who usually represents the State of West Bengal, is present in Court and is requested to appear in this matter along with a junior of his choice.

Let the appointments of Mr. Bhattacharjee along with a junior of his choice be regularized by the competent authority.

Let a copy of the writ petition be served upon the junior of Mr. Bhattacharjee in course of this day.

The petitioners allege that the authorities of the West Bengal State Electricity Transmission Company Limited (in short 'WBSETCL') is taking steps to draw overhead transmission lines and fix pillars on the property of the petitioners being LR Dag Nos. 18/254 and 18/255 by

applying force.

Mr. Chowdhury, learned Counsel appearing for the petitioners submits that the petitioners have resisted and obstructed the men and agents of the authorities of WBSETCL while they attempted to carry out the said activities. He places reliance upon Section 16 of the Indian Telegraph Act, 1885 in support of his contention that in case there is resistance or obstruction in the matter of exercise of powers under Section 10(d) of the 1885 Act, the District Magistrate has to be approached by the authorities of WBSETCL for necessary permission. He submits that the authorities of WBSETCL have not approached the concerned District Magistrate seeking permission.

Mr. Panja, learned Advocate appearing for the WBSETCL submits that it is an infrastructure project and the same cannot be stalled. He further submits that in case the petitioners suffer any damage due to the activities of the authorities of WBSETCL in drawing overhead lines, the petitioners are entitled to compensation as provided under the said statute.

The learned Advocate appearing for the respondent no.7 submits, on instruction, that the seventh respondent shall not lay overhead cables and/or install any transmission pillar on the plot being LR plot No. 18/254.

Upon a bare reading of the provisions laid down under Section 10(d) of the Indian Telegraph Act, 1885 read with Section 16(1) of the said Act, this Court is of the considered view that in case any resistance or obstruction is offered, the specific authority has to approach the District Magistrate for necessary permission.

Petitioner has approached this Court with this writ

petition being aggrieved by the action of WBSETCL. Thus, there is resistance from the end of the petitioner in the matter of drawing of overhead transmission lines.

It will be open to the authorities of the WBSETCL to approach the concerned District Magistrate for necessary permission in terms of Section 16(1) of the Indian Telegraph Act, 1885.

If such an approach is made by WBSETCL, the District Magistrate shall consider the issue regarding grant of permission after affording an opportunity of hearing to the petitioners and/or any other persons, who may be affected by such activities and/or their authorized representatives. In case any dispute with regard to demarcation of the aforesaid pots is raised by any party before the District Magistrate, it will be open to the District Magistrate to get the disputed property demarcated by engaging competent Amin/Surveyor for such purpose and the concerned Block Land & Land Reforms Officer, being the fourth respondent, shall render assistance to the District Magistrate in the work of demarcation of the property in question, if necessary.

The authorities of WBSETCL are restrained from utilizing any portion of plot nos. 18/254 and 18/255 till any decision is taken by the District Magistrate as observed hereinbefore.

It is, however, made clear that in case the authorities of WBSETCL approach the District Magistrate for necessary permission under Section 16(1) of the 1885 Act, the District Magistrate shall complete the entire exercise as indicated hereinbefore within 14 working days from the date of an approach being made by the authorities of WBSETCL.

With the aforesaid observation and direction, this

writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)