

06.08.2026

Sl. No.: 15

Court No.7

BM

WPA 15007 of 2026

NIMAI CHANDRA ADHIKARY

VS

WEST BENGAL STATE ELECTRICITY

DISTRIBUTION COMPANY LIMITED AND ORS

Mr. Debabrata Ray

... for the petitioner

Dr. Madhusudan Saha Ray

Mr. Debanjan Chatterjee

Ms. Debangana Dey

... for the respondent/WBSEDCL

1. Affidavit of service filed in court is taken on record.
2. The petitioner complains of arbitrary action on the part of the respondent WBSEDCL authorities in erecting multiple poles on the petitioner's land.
3. Learned Advocate appearing for the petitioner submits that the respondent WBSEDCL authorities have erected several poles on the stretch of land belonging to the petitioner without prior consent of the petitioner. He submits that the petitioner has acquired title to some portion of the land by way of purchase in the year 2010 and the other portion thereof by dint of lease granted by the State of West Bengal.
4. Dr. Saha Ray, Learned Advocate appearing for the WBSEDCL authorities submits that since the petitioner claims ownership from the year 2008-2010 and the poles had been installed more than 20 years ago and therefore, evidently, the petitioner was not the

owner of the land at the time when the poles were erected.

5. Heard learned advocates appearing for the respective parties and considered the materials on record.

6. In terms of the first proviso to Rule 3 of the Works of Licensee Rules, 2006, if, the electricity licensee seeks to carry out any work under this Rule on the land of a person and if such person objects then the electricity licensee is obligated to obtain permission from the District Magistrate.

7. In the present case no consent has been obtained and there is no case made out that any objection was raised at any point of time when the poles were erected.

8. In such view of the matter, although Rule 3 does not strictly apply, yet this dispute being factual in nature there can be no impediment in directing the same authority under the Works of Licensee Rules, 2006 to decide the issue.

9. In such view of the matter, this writ petition is disposed of by granting leave to the petitioner to make appropriate representation before the District Magistrate, Howrah ventilating his grievances as regards removal/shifting of the poles. The District Magistrate, Howrah shall consider such representation and dispose of the same by passing a reasoned order, accordance

with law upon affording an opportunity of hearing to the petitioner as well as the respondent WBSEDCL authority. The District Magistrate shall be free to devise such procedure and engage such other officers of the relevant departments as may be required for the purpose of ascertaining the truth as regards allegation made by the writ petitioner and the objection of the WBSEDCL. The District Magistrate is requested to dispose of the petitioner's representation by passing a reasoned order, in accordance with law as aforesaid, as expeditiously as possible and preferably within a period of eight weeks from the date of making of such representation.

10. Needless to mention that both parties would be permitted to place their respective case along with documents.

11. WPA 15007 of 2026 stands disposed of.

12. No costs.

(Om Narayan Rai, J.)