



AD-15
Ct No.09
19.12.2022
TN

WPA No. 27761 of 2022

Dibyendu Pradhan
Vs.
The State of West Bengal and others

Mr. Pankaj Halder,
Mr. Sanatan Panja,
Mr. Tapas Manna

.... for the petitioner

Mrs. Anwari Quraismi,
Mrs. Zainab Tahur

.... for the State

Mr. Sumit Kumar Panja,
Mr. Sumit Ray

.... for the WBSETCL

The grievance raised by the petitioner is that a fourth high-tension line has been taken over the petitioner's agricultural land, for which further compensation has not been considered despite the petitioner having raised an objection before the West Bengal State Electricity Transmission Company Limited (WBSETCL). Earlier, although for previous installations, compensation was given by the WBSETCL, but at the rate of the valuation of the crops and not the land.

It is submitted that the petitioner is entitled to compensation in terms of the total area of the land.



Learned counsel appearing for the WBSETCL disputes the allegation that the petitioner is entitled to compensation vis-à-vis the total area of the property itself. However, it is submitted that the appropriate authority therefor is the District Magistrate concerned.

Learned counsel further contends that the WBSETCL does not have any objection, in principle, to consider further compensation payable to the petitioner, if any, for the installation of the fourth high-tension line over the petitioner's land.

However, the rate at which the same shall be paid will be decided in accordance with law and not in a blanket fashion depending on the total area of the land.

Since a dispute has arisen with regard to the compensation, if at all, payable to the petitioner for the alleged fourth electricity line taken over the petitioner's land and, if payable, as regards the yardstick on which the said compensation has to be assessed, the appropriate authority to decide such issue, under the contemplation of the Indian Telegraph Act, is the concerned District Magistrate having territorial jurisdiction, that is, the respondent no.7 herein.



Hence, it would only be prudent to refer the dispute arisen between the parties to the said District Magistrate for a complete and proper adjudication in accordance with law.

Hence, WPA No. 27761 of 2022 is disposed of by directing the petitioner to approach the respondent no.7, the District Magistrate, Purba Midnapore with the dispute as raised in the present writ petition. Upon the petitioner so approaching, the District Magistrate shall decide the issue upon giving adequate opportunity of hearing to all concerned and in accordance with law as expeditiously as possible, positively within three months from the date of such approach being made by the petitioner to the District Magistrate. In the event the District Magistrate so feels, it will be open to the District Magistrate to call for an appropriate report from the appropriate authority, be it the B.L.&L.R.O concerned and/or any other appropriate authority, for the purpose of such adjudication.

It is made clear, however, that the claims made by the petitioner with regard to the payment and quantum of compensation, which is squarely disputed by the WBSETCL on merits, have not been gone into in any manner by this court while deciding the present writ petition.



All questions are kept open for being decided on merits before the appropriate authority in law.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)