

Court No. - 40

Case :- WRIT - C No. - 34367 of 2023

Petitioner :- Rajendra Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Hemant Sharma, Saurabh Kumar

Counsel for Respondent :- C.S.C., Kartikeya Saran, Pankaj Kumar Shukla

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Heard learned counsel for the petitioner; Sri Ambrish Shukla, learned Addl. Chief Standing Counsel for the State-respondents and Shri Pankaj Kumar Shukla, learned counsel appearing for respondent no. 5.

2. The petitioner has prayed for the following main relief :-

" Issue a writ, order or direction in the nature of mandamus commanding and directing the concerned respondents to decide the representation dated 29.8.2023 of the petitioner regarding extension of 40,000 voltage high tension line through Agricultural Land of Khasra No. 484 belonging to the petitioner."

3. The record in question reflects that the petitioner is owner of Gata No. 484 area 1.2440 hectare, situated at village Salawa, Post Salawa, Police Station Sardhana, District Meerut. It is claimed that the petitioner had obtained 'NOC' from various departments and established sugarcane crusher on 12.10.2020. It is alleged that the

respondent-Corporation has erected 400 KV high tension line over the establishment/ holding of the petitioner, causing serious threat to life and property of the petitioner and fifty other workers, who are dependent upon the said sugarcane crusher. It is contended that in this regard the petitioner has made several representations to the authorities concerned but no action has been taken as yet. In this backdrop, the petitioner has approached this Court with an objection that as the petitioner has already established sugarcane crusher over his holding for which 'NOC' is also accorded, the respondents may remove high voltage transmission line of 400 KV running over his agricultural field.

4. The said claim has been resisted by Shri Pankaj Kumar Shukla, learned counsel for the Power Corporation on the ground that Technical Works Committee of Uttar Pradesh Power Transmission Corporation Limited has taken a decision on 11.5.2018 to lay down a 400 KV transmission line from Shamli power station to Aligarh power station. The Surveyor of the Corporation has also conducted a detailed survey and ascertained the longitude and latitude for the installation of tower for the said high tension transmission line on 5.1.2019. The high tension wires connecting Tower No. 262/2 and Tower No. 262/4 are running over the agricultural field of the petitioner. He has contended that the work

of foundation had commenced from 6.4.2019 and the same was completed on 31.5.2019. The work for erection of Tower No. 262/2 and 262/4 also commenced from 1.9.2020 and the erection of aforesaid towers was completed on 30.9.2020. He further contended that it is not in dispute that the high tension wires were already in existence, when the alleged claim was set up on the basis of some purported 'NOC' accorded for establishment of sugarcane crusher. He next contended that at no point of time, the Transmission Corporation has ever accorded any 'NOC' in favour of the petitioner for establishing the sugarcane crusher and as such the same is also prohibited. In support of his submissions, he has placed reliance upon the judgment of this Court in **Deva Raj Vs. U.P. State Electricity Board, Lucknow & Ors., AIR 1977 Allahabad 452**, wherein a Division Bench of this Court had examined the provisions of Section 51 of the Indian Electricity Act, 1910, which is similar to the provisions of Section 164 of the Electricity Act, 2003 and observed that in view of the notification issued by the State Government under Section 51 of the 1910 Act read with Section 10 of the Telegraphs Act, the respondents have the power to install the towers on the land owned by a person. He lastly pointed out that in similar circumstances a Division Bench of this Court has already accorded liberty to the tenure holders to approach before the concerned District Magistrate for payment of

adequate compensation in Writ C No. 26348 of 2023 (Surendra Kumar Kaushik Vs. State of U.P. and 5 others) vide order dated 9.8.2023. He also contended that he has no objection in case the present writ petition is disposed of in terms of the judgement in the case of **Surendra Kumar Kaushik (Supra)**.

5. Insofar as the factual aspect of the matter regarding the establishment of the transmission line is concerned, the same is not disputed by the learned counsel for the petitioner. Even recent photograph which has been produced before this Court by the learned counsel for the Power Corporation, is already on record and it gives an impression to the Court that the transmission line is already in existence.

6. Considering the facts and circumstances, at this stage, we are not inclined to entertain the writ petition. However, it is open to the petitioner to raise a claim for adequate compensation before the concerned District Magistrate, in case, he foregoes his claim for shifting of high tension line.

7. In the light of aforesaid observation, the petition stands **disposed of**.

Order Date :- 9.11.2023
M. Tarik