

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 802 of 2023

Shri Anjan Kanti Pal

.....**Petitioner(s)**

Versus

State of Tripura and others

.....**Respondent(s)**

For Petitioner(s)

: Mr. Anjan Kanti Pal,
Petitioner in person
Mr. DC Roy, Advocate.
Mr. DC Saha, Advocate.

For Respondent(s)

: Mr. BN Majumder, Sr. Advocate through V.C.
Mr. DJ Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

05.07.2024

Heard Mr. Anjan Kanti Pal, learned counsel appearing in-person as petitioner alongwith Mr. DC Roy, learned counsel and Mr.DC Saha, learned counsel on behalf of him. Also heard Mr. B.N. Majumder, learned senior counsel assisted by Mr. DJ Saha, learned counsel for the respondents-TSECL.

[2] This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking following reliefs:

“(i) Admit the writ petition of the petitioner;

(ii) Issue notice upon the respondents;

(iii) After hearing the parties, Your Lordship would be kind enough to set aside/cancel/quashed the communication of the respondent no.3 dated 11/01/2023

(iv) The petitioner also prays before the Hon'ble High Court to direct the respondents to shift/remove the said fell down dangerous nature of electricity post/pillar from its existing place to any other places as which dangerous electric pillar fell down upon the residential building of the petitioner for safe the life and property of the petitioner and his family members for fair ends of justice.

(v) To pass any other order/orders as deems fit and proper....”

[3] Heard the submissions made at the Bar. Perused the record.

[4] On perusal of record, it is seen that in terms of the order of this Court dated 10.05.2024, Mr. Sankar Lodh, learned Advocate was appointed as Advocate Commissioner and subsequently, he conducted an on-spot verification on 25.05.2024, in presence of the petitioner, representative of TSECL and one Advocate of TSECL about the distance of the electric pillar as well as the live wires and the building of the petitioner. In the said on-spot verification report conducted on 25.05.2024, the following observation has been made:

"The electric wires were fitted in an additional attachment of the pillar and due to additional attachment, the minimum distance between the wall of the building and wires is 5 ft 3 ½ inch and the minimum distance between cantilever of the building and wires is 4 ft."

[5] It is brought to the notice of this Court by Mr. BN Majumder, learned senior counsel for the TSECL respondents that as per Rule 79(1)(a)(ii) of the Indian Electricity Rules, 1956, when the line passes adjacent to the building, a horizontal clearance of 1.2 meter i.e. approximately 3.93 ft shall be maintained. The said Rule as referred by the learned senior counsel for the respondents-TSECL is quoted hereinbelow:

"79. Clearance from buildings of low and medium voltage lines and service lines-

(1)Where a low or medium voltage, overhead line passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed:-

(a) for any flat roof, open balcony, varandah roof and lean-to-roof-

(i) when the line passes above the building a vertical clearance of 2.5 metres from the highest point, and

(ii) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and....."

[Emphasis supplied]

[6] In view of the above, only to the extent with regard to measurement of distance between the building and live-wires is concerned, this Court is of the opinion that as per Rules prescribed under the Indian Electricity Rules, 1956, required distance has been maintained. Thus, the prayer of the petitioner for maintaining the distance between the live-wires and the building is dismissed.

[7] However, insofar as, shifting of electric pole to other places is concerned, petitioner is given liberty to file an application before the concerned respondents as per procedure alongwith the copy of this order. On receipt of such application from the petitioner, the respondents concerned shall examine the matter and communicate the decision to the petitioner as expeditiously as possible, preferably within a period of one month from the date of receipt of the same.

With the above observation and direction, this petition is disposed of. As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Sabyasachi. G.

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