

GAHC010200592018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6272/2018

PRATIBHA BASUMATARY AND ANR.
W/O- LATE BABU RAM BASUMATARY, R/O- VILL- ADALBARI, P.O-
ADALBARI, P.S- MUSHALPUR, DIST- BAKSA BTAD, ASSAM, PIN- 781372

2: GOPAL BASUMATARY
S/O- LATE PAKHI RAM BASUMATARY
R/O- VILL- ADALBARI
P.O- ADALBARI
P.S- MUSHALPUR
DIST- BAKSA BTAD
ASSA

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA, DEPTT OF POWER,
SHRAM SHAKTI BHAWAN, RAFI MARK, NEW DELHI- 110001

2:THE GOVERNMENT OF ASSAM
REP. BY THE ADDL. CHIEF SECRETARY
DEPTT OF FISHERY
DISPUR
GUWAHATI- 06

3:THE MANAGING DIRECTOR
ASSAM ELECTRICITY GRID CORPORATION LIMITED
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI- 01

4:THE GENERAL MANAGER
NTPC
SALAKATI
P.O- SALAKATI

DIST- KOKRAJHAR
PIN- 783369

5:THE ASSTT GENERAL MANAGER
132 KV GRID SUB STATION
ASSAM ELECTRICITY GRID CORPORATION LIMITED
CHIRAKUNDI
RANGIA
DIST- KAMRUP
ASSAM
PIN- 781354

6:THE DEPUTY COMMISSIONER
BAKSA
P.O- MUSHALPUR
BTAD
ASSAM
PIN- 781343

7:THE FISHERY EXTENSION OFFICER
BAKSA DEVELOPMENT BLOCK
P.O- MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PIN- 781344

8:THE POWER GRID CORPORATION OF INDIA LIMITED
NORTH EASTERN REGION TRANSMISSION SYSTEM
REPRESENTED BY ITS EXECUTIVE DIRECTOR
DONVTIETH LOWER NONGRASH
LAPALANG
SHILLONG-79300

Advocate for the Petitioner : MR. S A AHMED, MS. M GOGOI,MS. D SWARGIARY

Advocate for the Respondent : ASSTT.S.G.I., SC, POWER GRID,SC, AEGCL,GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Judgment & Order (Oral)

Date : 14.08.2024

Heard Mr. S. A. Ahmed, the learned counsel appearing on behalf of all the petitioners. Also heard Ms. A. Gayan, the learned CGC appearing on behalf of Union of India and Mr. S. R. Baruah, the learned Government Advocate appearing on behalf of the State respondents; Ms. K. Phukan, the learned Standing counsel appearing on behalf of the AEGCL as well as its Officials; Mr. G. N. Sahewalla, the learned Standing counsel appearing on behalf of the Power Grid Corporation.

2. The Petitioners, herein, in the writ petition are aggrieved by the damages that occurred in their fisheries due to the construction of Towers and High Voltage Transmission Lines, as well as also for the adequate compensation in respect to the right of the use of the land which was acquired by the Respondent Authorities.

3. It is the case of the Petitioners that some of the Petitioners have received certain amount on account of the value of the land but there is no compensation paid on account of the said damages occurred in their fisheries due to the construction of Towers and High Voltage Transmission Lines.

4. This Court duly takes note of that by virtue of Section 164 of the Electricity Act, 2003; the provisions of the Indian Telegraph Act, 1885 have been made applicable in the matter of construction of overhead line by the licensee. Section 10 of the Indian Telegraph Act, 1885 deals with the powers of the authority to place and maintain telegraph lines and posts. Section 16(3) of the Indian Telegraph Act, 1885 provides that in case of any dispute as regards the sufficiency of the compensation, an application may be made before the District

Judge within whose jurisdiction the property is situated.

5. Taking into account that the Petitioners, herein, are aggrieved on account of non-payment of compensation, the Petitioners, would be well advised to approach the learned District Judge, Baksa in terms with Section 16 of the Indian Telegraph Act, 1885. In the circumstance, the said application is filed by the Petitioners within a period of 45(forty five) days from today, the learned District Judge, Baksa shall proceed with the adjudication of the said proceedings in accordance with the applicable provisions of law.

6. With above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant