

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.932 of 2001

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Ram Yas Roy (Singh) son of Panchi Roy (Singh) resident of village Paproure P.S
Barauni, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Manbansh, Adv.

Dr. Kumar Binode Pariar,

For the State : Mr. S.P.Verma, AC to GA-1.

For Bihar State Elec. Board : Mr. Vinay Kirti Singh, S.C.

Mr. Vijay Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-03-2015

In this case, petitioner has raised a grievance that he has not been paid full compensation for the damage caused by cutting of trees standing over the land of the petitioner for installing over-head electric line of 220 KV.

It appears that the State of Bihar constructed Electrical Tower and placed the electric line of 220 KV over the land of petitioner and in that process they removed the green trees standing thereon without his consent which is required under the provisions of Indian Electricity Act which compelled the petitioner to approach this Court in CWJC No. 9906 of 2000 and this Court has taken notice of cutting of tree without consent.

In the order it has been mentioned that the authorities have already cut away 22 trees standing on the land of petitioner in violation of Section 12, 13 and 18 of the Indian Electricity Act. The Court is of the view that without compliance of the provisions as aforesaid, the authority could not have made cutting of the tree. The Court disposed of the matter giving

direction to the petitioner to file application before the respondent no.6 of that writ application for stopping of cutting of tree for installation of electric line till the provisions of Section 12(2) of the Act is complied.

Grievance has been made that even after order of this Court and the receipt of certificate of the Advocate concerned, they have further made cutting of 51 trees.

From the counter affidavit filed by the Board it appears that the District Magistrate has deputed the Block Development Officer, Barauni from 26th September 2000 to 29th September 2000 for the purpose of cutting of trees standing over the land of petitioner. The trees were cut down on the direction and in presence of the B.D.O., Barauni. It is also apparent from the letter No. 653 dated 24th October 2000 which has been addressed to the petitioner where details have been motioned.

Counsel for the petitioner submits that he has a grievance that he has not been compensated properly only the petitioner has been paid an amount of Rs.83,267/- under protest by the order of this Court and he has raised the grievance that it is a quite meager amount whereas petitioner is entitled to five times of the amount that has been paid to him.

In view of letter of the Divisional Forest Officer if a tree is cut without permission of the Department, the person concerned has to pay five times the cost of the wood. He submits that the petitioner has not been paid the amount assessed by the Circle Officer or in the manner it has been suggested by the Additional Forest Officer.

It appears from the record that after cutting of the trees, petitioner has also taken away the same which the petitioner denies.

The disputed question of fact cannot be decided in the

present proceeding.

The petitioner, if so advised, may approach the authority concerned for redressal of his grievance. If such an application is filed, the authority concerned will be obliged to examine the case of petitioner and pass order as early as possibly, preferably within a period of six months from the date of filing of the application in accordance with law.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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