

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1122 of 2015

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1. Shalini Kumari Wife of Nitesh Kumar Sinha, Resident of Village-Tungi, Police Station-Deepnagar, District- Nalanda. At present- Shalini Kumari, C/o:- Shree Bhikhari Prasad (Professor), Mohalla- Mahikhandak, Behind-Nagar Nigam Bihar Sharif, P.S.-Bihar Sharif, District-Nalanda, Pin Code-803101. Petitioner/s

Versus

1. The Union of India through the Secretary, Energy Department, New Delhi.
2. The Power Grid Corporation of India Limited through its Chief Managing Director, New Delhi.
3. The project Director, Power Grid Corporation of India Ltd., New Delhi.
4. The Executive Director, Regional office, Power Grid Corporation of India Ltd., Patna.
5. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Patna.
6. The Chief Manager, Power Grid Corporation of India Ltd. Sub-Station Bihar Sharif Grid, Nalanda.
7. The Manager (T.L.), 400 K.V., Bihar Sharif, Sub- Division, Nalanda.
8. The District Magistrate Nalanda at Bihar Sharif.
9. The Sub-Divisional Officer, Sub Division Bihar Sharif, District-Nalanda.
10. The Circle Officer, Bihar Sharif, Circle Office, District-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Singh, Adv.
For the Respondent/s : Mr. Manindra Kishore Singh, SC-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-04-2015 Heard learned counsel for the parties.

The writ petition was filed complaining of erection of High Tension 400 K.V. transmission line by the respondent-Corporation on grounds that it was also passing through the raiyati land of the petitioner. The petitioner while making such complaint admits that of the 4 legs of the tower only one is situated on her raiyati land and which she wants removed because it would obstruct

residential construction.

A counter affidavit has been filed by the Corporation enclosing the crop compensation chart in which the petitioner has put her initials and it is the stand of the Corporation that the 400 KV transmission lines have been designed so as to cause minimal disturbance to the raiyats of the area. It is submitted that route alignment was designed after conducting a survey of the area. It is the stand of the Corporation that a cheque for compensation has also been forwarded to the petitioner which is also accepted by her in her supplementary affidavit but she has chosen to raise a dispute on the quantum of compensation.

Mr. Suraj Samdarshi, learned counsel for the respondent Corporation with reference to Section 16(3) of the Indian Telegraph Act has submitted that any dispute as to the sufficiency of compensation can well be raised by the raiyat by filing an appropriate application before the District Judge concerned and thus the petitioner has a remedy in so far as the quantum of compensation is concerned but in so far as erection of tower is concerned there was no other alternative route available for the Corporation.

Having heard learned counsel for the parties and taking note of the circumstances existing where the tower installation stands

completed with no other objection coming as well as the apparent objection of the petitioner limited to the quantum of compensation nothing further survives in the present writ petition which is disposed of but after reserving liberty to the petitioner to take recourse to the remedy so available to her under Section 16(3) of the Indian Telegraph Act.

(Jyoti Saran, J)

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