

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18559 of 2014

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1. Shiv Gope son of Sri Nathun Yadav, resident of village- Bijbanpar, P.S.-
Deepnagar, District - Nalanda

.... 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 Limited, New Delhi.
4. The Executive Director, Regional Office, Power Grid Corporation of India Limited, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Adv.
For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 10-04-2015 Heard Mr. Ravi Bhushan Prasad, learned counsel for the petitioner and Mr. Suraj Samdarshi, learned counsel for the Power Grid Corporation of India Ltd.

The petitioner had filed this writ petition complaining of the installation of 400 KV transmission line by the respondent authorities of the Power Grid Corporation with the assistance of district authorities which went overhead his Plot bearing No. 417 of Khata No. 17 having an area of 5.25 decimals situated in Mauza Kashimchak in the District of Nalanda. It is the complaint of the petitioner that he has his residential house on the plot and which is going to be disturbed. It is on directions of this Court that an



affidavit has been filed by the District Magistrate himself annexing a report of a Committee consisting of the Sub Divisional Officer, the General Manager, Power Grid Corporation and the Circle Officer. It is with reference to the joint report submitted that of the four legs of the tower only one leg which is situated on the Plot No. 425 of the petitioner while the other three legs of the tower is situated on other plots and none of the others have lodged any protest. It is further reported that although there is some kind of construction on plot No. 417 but it does not appear to be a residential house. A copy of the photograph has also been enclosed. It is further reported by the joint inspecting team that the petitioner in fact resides at village-Bijbanpar Beldaria and his claims of having a residential house on Plot No. 417 is incorrect. The Power Grid Corporation also has filed an affidavit in which it is stated that at the time of survey no such construction were found at the place as well as in the other areas through which the transmission lines were to pass. The Power Grid Corporation have also enclosed some cheques showing compensation received by the petitioner in respect of other plots through which the transmission lines have passed including plot no. 417 in respect of the standing crops.

Having heard learned counsel for the parties and taking note

of the circumstances existing, this Court is not persuaded to grant indulgence to the issue raised by the petitioner. The petitioner however, would definitely be entitled for payment of compensation for the structure standing on plot No. 417 from the Power Grid Corporation of India Ltd. and for which he may file an appropriate application before the Project Manager which shall be considered and disposed of by him.

Since it is a matter of record that the Power Grid Corporation of India has made payment of compensation with respect to the use of the other plots of the petitioner as is reflected from the cheques enclosed at Annexure-E series including the crops standing on the plot no. 417 as admitted by them in paragraph 9 of their counter affidavit, they should also make payment of the compensation relatable to the structure in question existing on Plot No. 417 of Khata No. 17 within a period of six weeks from the date of filing of such application by the petitioner enclosing a copy of this order.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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