

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11803 of 2015

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Shiv Nath Shahi, son of late Raghunath Prasad Sahi, resident of Village-Sandha Damber, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The Bihar State Power Transmission Company Limited through its Managing Director, Vidyut Bhawan, 4th Floor, Bailey Road, Patna.
3. The Chairman, Bihar State Power Transmission Company Limited, Vidyut Bhawan, 4th Floor, Bailey Road, Patna.
4. The Managing Director, Bihar State Power Transmission Company Limited, Vidyut Bhawan, 4th Floor, Bailey Road, Patna.
5. The Larsen and Toubro India Limited through its Chairman, L & T House Ballard Estate, P.O. Box No.278, Mumbai-400 001, State-Maharastra.
6. The Managing Director, Larsen and Toubro India Limited, L & T House Ballard Estate, P.O. Box No.278, Mumbai-400 001, State-Maharastra.
7. The Chief Engineer, Bihar State Power Transmission Company Limited, Vidyut Bhawan, 4th Floor, Bailey Road, Patna.
8. The Project Manager, Larsen and Toubro (L & T), Bairiya, P.S.-Ahiapur, District- Muzaffarpur.
9. The District Magistrate, Muzaffarpur.
10. The Superintendent of Police, Muzaffarpur.
11. The Station House Officer, Motipur Police Station, District-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey
For the Respondent/s : Mr. Ajay Bihari Sinha, SC-19
Mr. Suryakant Kumar, AC to SC-19
For the Power Transmission Co.: Mr. Anand Kumar Ojha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-08-2015 Heard the parties.

The petitioner is aggrieved by the installation of transmission line by the respondent Power Transmission Company which work is being executed by the private respondent nos.5 and 6.

The complaint of the petitioner is that his raiyati land



bearing plot nos.2371, 2374 of khata no.294 in Mauza- Sandha Damber, Thana- Paru, Anchal- Motipur in the district of Muzaffarpur admeasuring 18 decimals and 16 decimals respectively is being utilized for installation of Transmission Lines without obtaining consent and without following the due process of law.

Mr. Anand Kumar Ojha, learned counsel appearing for the Power Transmission Company has submitted that invoking the provisions of the Work of Licensing Rules (hereinafter referred to as 'the Rules') the petitioner has also represented before the District Magistrate who is the appropriate authority to consider the dispute and take appropriate action under 'the Rules' and the matter is pending inasmuch as the representation has been filed only recently on 6.7.2015.

Having heard learned counsel for the parties and considering the nature of grievance raised as well as the fact that the petitioner has represented before the District Magistrate, Muzaffarpur who is the appropriate authority to consider such grievance and pass appropriate orders, the writ petition is disposed of with a direction to the District Magistrate, Muzaffarpur to consider the objection raised by the petitioner, a copy of which is placed at Annexure-5 to the writ petition and

dispose of the same in accordance with law after giving opportunity of hearing to the petitioner as well as the Power Transmission Company and the executing agency in accordance with law expeditiously and preferably with a period of six weeks from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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