

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6487 of 2015

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Suresh Kumar Pandey, S/o - Sri Ram Sawarath Pandey, R/o Village + P.O.-
Lauriya, P.S. - Govindganj, District - East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Bihar State Power Transmission Company Limited, 4th Floor,
Vidyut Bhawan, Bailey Road, Patna-1.
3. The Managing Director, Bihar State Power Transmission Company
Limited, East Champaran, Motihari.
4. The District Magistrate, East Champaran, Motihari.
5. The Executive Engineer, Bihar State Power Transmission Company
Limited, East Champaran, Motihari.
6. The Superintending Engineer, Bihar State Power Transmission
Company Limited, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Mishra Mr. Sanjay Kumar Pandey Mr. Radha Mohan Pathak
For the Respondent-State	:	Mr. Gyan Shankar, AC to GP-6
For N.B.P.D. Company Ltd.	:	Mr. Vijay Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-05-2015

Learned counsel for the parties are present.

Two issues have been raised by the petitioner to
question the laying down of transmission line by the Power
Transmission Company, namely:

- (a) It is crossing over his residential house; and
- (b) No notice has been given to the petitioner by
the Power Transmission Company.

Mr. Vishwajeet Mishra, learned counsel appearing for
the petitioner submits that although the area is residential in



nature and the respondents can well adopt an alternative route but they have laid down the transmission line right overhead the plot in which the house of the petitioner is situated. He submits that a representation to the District Magistrate has gone unattended.

There is a letter of the Electrical Executive Engineer, Transmission Division, Motihari which reflects that the foundation for laying down the transmission lines is complete except for the obstruction created by the petitioner in installation of tower. It is further reflecting from the letter that the boundary wall has been constructed by the petitioner after the foundation work has been started by the Transmission Company with the sole motive to obstruct the laying down of the transmission lines.

Section 164 of the Electricity Act, 2003 vests power of Telegraph Authority in the Transmission Company and section 10 of the Indian Telegraph Act, 1885 (hereinafter referred to as 'the Telegraph Act') vests jurisdiction in them to enter into any premises for installation of such transmission lines. Section 10(d) of 'the Telegraph Act' also casts duty on the Transmission Company to pay compensation for the damage caused in installation of transmission lines. Section 16 enables

land owner to question the rate of compensation before the District Judge.

In the circumstances discussed, I am not persuaded to interfere with the laying down of the transmission lines and the writ petition is disposed of with a reminder to the Transmission Company of their obligation cast under section 10(d) of 'the Telegraph Act'.

(Jyoti Saran, J)

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