

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6046 of 2015

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Gopal Prasad Sahi, son of Late Shyam Kishore Sahi, resident of village-
Rajkhand, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Collector, Muzaffarpur, District - Muzaffarpur.
3. The Executive Engineer, Public Health Engineering Department Muzaffarpur Division, District- Muzaffarpur.
4. The Power Grid Corporation of India Limited through its Managing Director, having office at Alankar Palace, Boring Road, Patna.
5. Assistant General Manager, Power Grid Corporation of India Limited, Muzaffarpur, Bihar.
6. Officer -in- charge of Arurai Police Station, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Suresh Rai, Sr. Advocate with
Mr. Rajeev Ranjan

For the Respondent-State : Mr. Krishna Chandra Jha, AC to AAG-14

For Power Grid Corporation: Mr. Janardan Pd. Singh, Sr. Adv. with
Mr. Arbind Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 04-05-2015 Heard Mr. Ram Suresh Rai, learned senior counsel

appearing on behalf of the petitioner, Mr. Janardan Prasad

Singh, learned senior counsel representing the Power Grid

Corporation of India Limited and Mr. Krishna Chandra Jha,

learned Assisting Counsel to Additional Advocate General

No.14 for the State.

The petitioner has prayed for a direction to the

respondents to stop the work of erection of transmission towers

by the respondent-Power Grid Corporation of India Limited



(hereinafter referred to as 'the Corporation') which passes through the raiyati land of the petitioner inter alia, on grounds that the same is without notice and without opportunity of hearing as well as without his consent.

It was argued by Mr. Ram Suresh Rai, learned senior counsel appearing for the petitioner that unnecessary diversion has been made by the Corporation to intrude upon the raiyati land when the transmission line could be taken in a straight line and such diversion can be averted. It is taking note of such submission of Mr. Rai that learned senior counsel for the Power Transmission Company was required to seek instruction while noticing the counter affidavit already on record. The matter has thereafter been taken up today when Mr. Janardan Prasad Singh, learned senior counsel produces an authenticated map of the transmission line to demonstrate that the complaint made by the petitioner is not correct and that tower nos.44 and 45 are in a straight line and do not make any curvature. Mr. Singh further with reference to a letter of the Minister, Public Health and Engineering Department, Government of Bihar dated 15.2.2015, submits that the District Magistrate, Muzaffarpur has been asked to ensure that the erection of the transmission line does not effect the establishment of a Rural Drinking Water Project



which is proposed to be established on the land donated by this petitioner in the interest of the down trodden. Mr. Singh, learned senior counsel appearing for the Corporation submits that even when the land in question stands donated for the purpose of drinking water project by the petitioner and his apprehension has been carried forward by the concerned Minister before the District Magistrate, Muzaffarpur, yet without awaiting the final outcome of the recommendation, the petitioner has moved this Court.

Mr. Rai, learned senior counsel appearing for the petitioner while reiterating his submission has submitted that the petitioner stands by his averment regarding the diversion.

Having heard learned counsel for the parties and taking note of the divergent stand of the contesting parties as well as taking note of the fact that the grievance of the petitioner stands recommended by the Minister, Public Health and Engineering Department before the District Magistrate, Muzaffarpur, this writ petition is disposed of with a direction to the District Magistrate, Muzaffarpur to consider the matter in light of the recommendation made by the Minister as contained in Annexure-4 to the writ petition and take appropriate decision expeditiously and preferably within a period of four weeks from

the date of receipt/production of a copy of this order.

It goes without saying that the erection of the transmission lines in so far as it passes overhead the land of the petitioner, would be subject to the final decision by the District Magistrate, Muzaffarpur on the issue.

(Jyoti Saran, J)

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