

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9292 of 2015

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Smt. Shila Devi @ Shila Kumari, wife of Sri Vinay Kumar, resident of Court Bazar, Mahavir Nagar, ward no. 14, P.S. and district- Sitamarhi.

.... Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman cum Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The North Bihar Power Distribution Company, Ltd. through Managing Director, Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, North Bihar Power Distribution Company, Ltd. Vidyut Bhawan, Bailey Road, Patna.
5. The Electrical Executive Engineer, Electrical Supply Division, Sitamarhi.
6. The Collector cum District Nodal Officer, (Electricity) Collectorate, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Respondent/s : Mr. R.R. K Pandey

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 04-09-2015 Heard learned counsel for the petitioner as well as learned counsel appearing for Power Holding Company.

2. The petitioner seeks removal of the Transformer erected in front of her house in old Ward No. 17, new Ward No. 21 within Sitamarhi Municipal Corporation at her cost.

3. The petitioner submits that the respondents can enhance the capacity of existing Transformer erected at Paswan Chowk and replace the burnt Transformer with enhanced capacity situated near Water tank, which is a distance of 500 meters from

each other.

4. It appears from the pleadings that the petitioner has purchased the said plot in the year 2002.

5. Mr. Ojha, learned counsel appearing for Power Holding Company submits that generally the Transformer is erected after leaving some space from the boundary wall of any household and it is quite possible that after laying down infrastructure of the Transformer, the boundary wall has been erected without leaving margin.

6. This Court at this stage would find it appropriate to refer the matter to the District Magistrate, Sitamarhi for due consideration of petitioner's representation. The petitioner has already filed a representation on 28.04.2015 and the Nodal Officer has also sought certain information vide his notice dated 13.05.2015.

7. In my view, if the petitioner files a fresh representation before the District Magistrate, Sitamarhi, he would dispose of the same after hearing the necessary parties within a period of four weeks from the date of receipt/production of a copy of this order.

8. It goes without saying that as per undertaking, the petitioner would meet the entire cost of shifting of the

Transformer, if the same is found permissible. It will be open for the petitioner to make any other suggestions connected under the issues before the District Magistrate, Sitamarhi.

9. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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