

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1191 of 2015

1. Seeta Devi Agrawal W/o Shri Shiv Kumar Agrawal Aged About 59 years Residents Of Darri Rad, Korba, P.O. Korba, Tahsil: Korba, Civil & Revenue District : Korba, Chhattisgarh, Pin- 495677.
2. Manisha Agrawal W/o Shri Gajanand Agrawal Aged About 37 Years Residents Of Darri Rad, Korba, P.O. Korba, Tahsil: Korba, Civil & Revenue District : Korba, Chhattisgarh, Pin- 495677.
3. Ankita Agrawal W/o Shri Rakesh Kumar Agrawal Aged About 34 Years Residents Of Darri Rad, Korba, P.O. Korba, Tahsil: Korba, Civil & Revenue District : Korba, Chhattisgarh, Pin- 495677.

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Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of General Administration, Mantralaya, Mahanadi Gate Naya Raipur Capital Complex, P.O. : Raipur, Police St: Telibandha, Raipur, Tahsil : Raipur, Civil & Revenue Distt.: Raipur, Chhattisgarh. Pin- 492001.
2. Union Of India, Through Its Secretary, Ministry Of Power, Shram Shakti Bhawan, New Delhi, P.O. : Baroda House, Civil / Revenue District: Central Delhi, Delhi. Pin- 110001.
3. Power Grid Corporation Of India Limited (A Government Of India Enterprise), Through Its Chairman & Managing Director, B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi. Pin- 110016.
4. Additional General Manager, Power Grid Corporation Of India Limited, Ashirvad Bhawan, Plot No. 79, Sardar Vallabh Bhai Patel Nagar, Sada Colony, Jamnipali, Tahsil: Katghora, Civil & Revenue District: Korba, Chhattisgarh Pin- 495 450.
5. Yogesh Jain S/o K.C. Jain Plot No. 217, Indira Commercial Complex, TP Nagar, Korba, P.O. Korba, Tahsil : Korba, Civil & Revenue District: Korba, Chhattisgarh, Pin- 495 677.
6. Vidyadan Abhyas Society, Srvakar- Mahant Jyoti Gyan, Kudurmali, Through Its Manager- Collector, Bilaspur, Chhattisgarh, Pin 495 001. Vidyadan Abhayagat Society, Sarvakar- Acharya Panth Shri Prakash Muni Saaheb, Kudurmali
7. Manager- Collector, Korba, Tahsil : Korba, Civil & Revenue District: Korba, Chhattisgarh, Pin- 495 677.
8. Collector, Korba, Civil & Revenue District: Korba, Chhattisgarh, Pin- 495 677

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For Petitioner	:	Shri Rajkamal Singh, Advocate
For Respondent No.1/State	:	Shri Satish Gupta, Govt. Adv.
For Respondent No.2	:	Shri Bhupendra Singh, Advocate
For Respondents 3 and 4	:	Shri Abhishek Sinha, Advocate

Order On Board

20/07/2015

Heard.

By this petition under Article 226 of the Constitution of India, the petitioners have challenged the action of respondents in laying overhead transmission line.

2. Learned counsel for the petitioners submits that the respondent / Corporation had earlier decided to take the overhead transmission line to another route which did not pass over the land of the petitioner. However, due to political influence, being the only operative reason, the route through which the transmission lines should have been passed, is now crossing over the land of the petitioners. Submission of learned counsel for the petitioners is that this is contrary to the map approved by the appropriate Government as per the provisions contained in Section 68 of the Electricity Act, 2003 (for short 'the Act of 2003'). According to him, approval necessarily includes complete road map, destination, point of tower installation etc. The respondent authorities, without seeking any amendment or modification in the approved map, have changed the alignment from one destination to the other.

3. On the other hand, referring to the averments in the return, learned counsel for the Corporation submits that in the matter of laying transmission lines, Power Grid Corporation of India Limited is the licensee under the Electricity Act and vide notification dated 27/11/15, Power Grid Corporation of India Limited is also granted necessary approval as required under Section 68 of the Act of 2003. According to him, once this permission is granted, the route through which transmission lines have to pass is essentially a matter for determination of the Corporation and depends upon various factors. The technical experts of the Corporation decide route through which the transmission line has to pass. He submits that in this process, many a times, the destination point earlier decided may be changed considering various aspects of the matter which includes factors whether the line is

made to pass through densely populated area or other relevant considerations. He submits that in the present case, it was decided to lay the transmission lines over a route which incidentally crosses over petitioner's land. On these bonafide considerations, the authorities have been laying down its own road map.

4. I do not find any material on record to sustain the allegations of extraneous considerations i.e. political influence for adopting road map for laying overhead transmission lines. May be that earlier, any destination point was not contemplated, but mere change in the road map, does not by itself, renders the action contrary to the provisions of the Act of 2003 or Rules made thereunder.

5. The submission of learned counsel for the petitioner that the road map now followed is contrary to the approved map, is a mere self serving submission. There is nothing on record to show that while granting approval, particular route was approved by the Government of India and the transmission lines are being laid in violation of that route. If the point between which the transmission lines have to be laid which is approved by the Government of India, the road map would essentially be a consideration of technical experts who are involved in laying transmission lines. The Writ Court, in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India does not sit over such technical aspects of laying road map for transmission lines as long as it does not violate any statutory law.

6. I do not find any illegality in the order of the Collector. The petition is accordingly dismissed.

Sd/-

**Manindra Mohan Shrivastava
Judge**