

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1727 of 2015

1. Shailesh Shukla S/o Shri Balkrishna Shukla, Aged About 48 Years R/o Village
Chikhalputi, Tahsil And District Kondagaon, (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through The Secretary, Ministry Of Power, Shram Shakti Bhawan, New
Delhi
2. The Collector, Kondagaon, District Kondagaon, (Chhattisgarh)
3. The Superintendent Of Police, Kondagaon, District Kondagaon, (Chhattisgarh)
4. The General Manager, Chhattisgarh State Electricity Distribution Company Limited,
Headquarter, Daganiya, Raipur, (Chhattisgarh)
5. The Executive Engineer, Chhattisgarh State Electricity Distribution Company Limited,
Kondagaon, District Kondagaon, (Chhattisgarh)
6. The Assistant Engineer, Chhattisgarh State Electricity Distribution Company Limited,
Kondagaon, District Kondagaon, (Chhattisgarh)
7. The Tahsildar, Kondagaon, District Kondagaon, (Chhattisgarh)

---- Respondents

For Petitioner.	: Shri Gautam Khetrapal, Advocate.
For Respondents no. 1.	: Ms. Purnima Singh, Advocate.
For Respondent/State.	: Shri Manish Nigam, Panel Lawyer

Order On Board

28/09/2015

Heard.

1. The grievance of the petitioner is that the respondent company is laying over head

transmission lines crossing over and above the land of the petitioner and have also installed towers to support the over head transmission lines. Though the petitioner has raised numbers of objection before the Collector and also before the Police Authority, but no steps have been taken till date.

Under the scheme of Electricity Rules 2006 framed in exercise of powers under Section 126 read with Section 67 of the Electricity Act, 2003, wherein an objection is raised by the owner and occupier of the land, it is the obligation of the licensee to obtain the permission in writing from the District Magistrate or the Commissioner or any other State Authorities in this behalf for carrying out the works. The matter has remained pending before the Collector. The Collector shall consider petitioner's representation in terms of provisions contained in Rule 3 of Electricity Rules 2006. In view of the provisions Clause-b sub Rule1 of Rule 3 of Rules 2006, the Collector shall pass appropriate order. If no permission has been granted to the licensee by the Collector, the Collector should pass appropriate order within a period of 45 days from the date of receipt of certified copy of the order. After hearing the petitioner and the respondents no. 4, 5 and 6. Unless permission is granted, respondents no. 4, 5 and 6 shall not carry any operation towards laying overhead transmission lines.

2. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

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