

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 407 of 2015

1. Seeta Devi Agrawal W/o Shri Shiv Kumar Agrawal Aged About 59 Years R/o Darri Road, Korba, P. O. Korba, Tahsil Korba, Civil & Revenue District: Korba, Chhattisgarh P I N -495677. (Petitioner No. 1 In Wpc 1191/2015)
2. Manisha Agrawal, W/o Shri Gajanand Agrawal. Aged About 37 Years R/o Darri Road, Korba, P. O. Korba, Tahsil Korba, Civil & Revenue District: Korba, Chhattisgarh P I N -495677. (Petitioner No. 2 In Wpc 1191/2015)
3. Ankita Agrawal W/o Shri Rakesh Kumar Agrawal Aged About 34 Years R/o Darri Road, Korba, P. O. Korba, Tahsil Korba, Civil & Revenue District: Korba, Chhattisgarh P I N -495677. (Petitioner No. 3 In Wpc 1191/2015)

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Versus

1. State Of Chhattisgarh Thorough Its Secretary, Department Of General Administration, Mantralaya, Mahandi Gate Naya Raipur Capital Complex, P.O. Raipur, Police Station Telibandha, Raipur Tahsil Raipur Civil & Revenue District Raipur Chhattisgarh Pin 492001. (Respondent No. 1 In Wpc No. 1191/2015)
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. P I N - 110 001. (Respondent No.2 In W P C No. 1191/ 2015).
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. P I N - 110 016. (Respondent No.3 In W P C No. 1191/ 2015).
4. Additional General Manager, Power Grid Corporation Of India Limited, Ashirvad Bhawan, Plot No. 79, Sardar Vallabh Bhai Patel Nagar, S A D A Colony, Jamnipali, Tahsil : Katghora, Civil & Revenue District : Korba, Chhattisgarh P I N - 495 450. (Respondent No.4 In W P C No. 1191/ 2015).
5. Yogesh Jain S/o: K. C. Jain, Plot No. 217, Indira Commercial Complex, T P Nagar, Korba, P. O. Korba, Tahsil : Korba, Civil & Revenue District : Korba, Chhattisgarh, P I N - 495 677. (Respondent No.5 In W P C No. 1191/ 2015).
6. Vidyadan Abhyas Society, Srvakar- Mahant Jyoti Gyan, Kudurmal, Through Its Manager- Collector, Bilaspur, Chhattisgarh. P I N 495 001. (Respondent No.6 In W P C No. 1191/ 2015).
7. Manager- Collector, Korba, Tahsil Korba, Civil & Revenue Distt : Korba, Chhattisgarh P I N - 495 677. (Respondent No.7 In W P C No. 1191/ 2015).

8. Collector, Korba, Civil & Revenue District: Korba, Chhattisgarh, P I N - 495 677. (Respondent No.8 In W P C No. 1191/ 2015).

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For Appellants:	Shri Raj Kamal Singh, Advocate.
For Respondents No.1 & 8/state :	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondents No.3 & 4:	Shri Abhishek Sinha, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per Navin Sinha, Chief Justice

07/09/2015

1. The present appeal arises from order dated 20.7.2015 dismissing Writ Petition (C) No.1191/2015. The Learned Single Judge held that the route map for laying overhead transmission lines did not suffer from any infirmity and any change in the route map did not necessarily fall foul of Section 68 of the Electricity Act having been approved by the appropriate Government. The Learned Single Judge was further not satisfied that the transmission lines were being laid contrary to the approved route and in any event, the route of the transmission line and alteration of the same were matters of technical expertise not amenable to jurisdiction under Article 226 of the Constitution.

2. Learned Counsel for the Appellants sought to persuade us that the earlier route map approved for laying an overhead transmission line did not pass over the land of the Appellants. It has been subsequently altered by

changing the alignment at the behest of Respondent No.3 to the prejudice of the Appellants who were never put to notice or made aware of the subsequent changes. The Appellants had approached the District Magistrate by a representation dated 25.6.2015, which has not been considered till date.

3. Having heard Learned Counsel for the Respondents also, we are satisfied that rather to call for a counter affidavit at this stage, the appeal can be disposed with directions to the District Magistrate to consider the representation of the Appellants and act in accordance with law under part-3 of the Telegraph Act specifically dealing with situations like the present also, where all issues of facts including the procedures followed, the original route map, any alteration of the same etc. can all be examined on facts also.

4. Nothing in the present order can be construed as any opinion or observation on merits of the matter by us which remains to be decided by the Collector himself in accordance with law by a reasoned and speaking order.

5. If the Appellants request for a personal hearing, the District Magistrate shall provide that opportunity. It is expected that the District Magistrate shall not allow matters to be precipitated in between and shall expeditiously dispose the representation of the Appellants, preferably within a maximum period of 4-6 weeks from the date of receipt and/or presentation of the copy of the order before him.

6. The appeal stands disposed.

Sd/-
(Navin Shiha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE