

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20088 of 2013

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1. Vinay Kunwar Son Of Sri Gunanand Kunwar Resident Of Village - Barhauna,
P.S.Vidyapati Nagar, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Principal Secretary, Energy Govt. Of Bihar, Patna
3. The Principal Secretary, Land Acquisition, Govt. Of Bihar, Patna
4. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road,
Patna
5. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
6. The Commissioner, Darbhanga Pramandal, Darbhanga
7. The District Magistrate, Samastipur
8. The Land Reforms Deputy Collector, Samastipur
9. The Executive Engineer, Electricity Department, Samastipur
10. The Sub - Divisional Magistrate, Dalsingsarai, Samastipur
11. The Deputy Superintending Engineer Electricity Department, Dalsingsarai,
Samastipur
12. The Circle Officer, Vidyapati Nagar, Samastipur
13. The Block Development Officer, Vidyapati Nagar, Samastipur
14. The Gram Panchayat Secretary, Gram Panchayat Raj Barahuna, Vidyapati
Nagar, Samastipur
15. The Mukhia, Gram Panchayat Raj Barhauna, Vidyapati Nagar, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy Advocate.

For the Respondent/s : Mr. Ajay SC-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 10-08-2016

Heard both sides.

The writ application seeks indulgence of this Court for
issuance of writ in the nature of mandamus commanding the
respondent authorities to restrain them from installing the electric poll
on the land of the petitioner. He has also prayed for a direction for
change in the alignment of the electric transmission line which passes

through the land of the petitioner.

A counter affidavit is filed on behalf of the respondent nos. 4,5, 9 and 11. There is no rejoinder. The respondents have stated that the alignment of the transmission line was selected considering the various factors, including that the same should pass through the area having low density of population. The authorities are administratively equipped to decide the alignment of the transmission line. The Court could not in writ jurisdiction interfere unless it is shown that such selection was wholly arbitrary and/or contrary to any statutory provisions. Unfortunately, the petitioner has not shown any such deficiency in the decision of the respondents. It is to be borne in mind that the respondent authority is vested with statutory power to set up such transmission line and fix electric poll(s). Any aggrieved person can seek only one time compensation for the damage caused to the land/standing crop. Such claim has to be filed before the competent authority.

Looking to the materials on record and considering the submissions advanced on behalf both the parties, I do not find it a good case where the extraordinary and discretionary writ jurisdiction can be invoked. However, the petitioner shall be at liberty to ventilate his grievance with regard to selection of his land before the appropriate/competent authority for consideration in accordance with

law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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