

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5592 of 2016

Birendra Thakur son of Late S.N. Thakur, resident of Abhinandan Ramnagari,
Sector-B, P.O. Ashiana Nagar, PS Rajeev Nagar, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate , Patna
3. The Land Acquisition Officer, Patna
4. The Circle Officer, Phulwarisharif, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajey Kumar

For the Respondent/s : Mr. SC2- NAWAL KISHORE SINGH

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 10-05-2016

Heard Mr. Ajay Kumar for the petitioner and Mr. Harendra Kumar
Tiwary who appears on behalf of respondent nos.5 to 7.

A counter affidavit is filed on behalf of respondent nos. 5 to 7. There
is no rejoinder thereof.

The respondents are erecting transmission line and for this purpose
electric towers are being affixed on the private land of the petitioner. The
petitioner is objecting to the erection of electric transmission tower on his land
detailed in paragraph 1(i) of the writ application. For the said purpose, paper
publication was made in 2015. The respondents surveyed the land to fix the
transmission line. Annexure-D to the counter affidavit indicates that there routes
were considered and considering the diverse reasons, both scientifically and
physically/technically, route no.1 was approved, the alignment whereof is
through the land of the petitioner. It has been submitted in diverse paragraphs
of the counter affidavit that the respondents are empowered under section 164
of the Electricity Act, 2003 read with section 10 of the Indian Telegraph

Act,1985 to rope in the agency to erect the transmission line/towers subject to payment of admissible compensation amount.

The counsel for the petitioner, relying on a judgment of this Court since reported in 2013 (2) PLJR 724, states that the petitioner may be permitted to make a representation for a slight change in the alignment. Although the respondents in the light of the averments made in the counter affidavit have objected to such prayer, but considering the stand taken by the petitioner, the application stands disposed of permitting him to make an appropriate representation for making a slight change in the alignment of the transmission line, as provided under section 17 of the Indian Telegraph Act. If any such representation is filed the respondent no.7 would confer consideration on the said application/representation in accordance with law.

(Kishore Kumar Mandal, J)

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