

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13173 of 2013

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Ambrish Shouri S/O Late Keshav Kumar Sahi Resident Of Village- Jagarnathpur,
Dokra, P.S.- Chakna, P.S.- Saraiya, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Collector, Muzaffarpur
2. Collector, Muzaffarpur
3. D.G.M. Power Grid Corporation In India At Sub-Station, Dariapur Kafan, P.O.:-
Dariapur Kafan, N.H.- 77, P.S.- Sadar, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. SANJAY PARASMANI
For the Respondent/s PGCIL :	Mr. HARENDRA KUMAR TIWARY, Adv.
For the State :	Mr. LALA S.N. RAIS, A.C to G.P-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 09-03-2016

Heard.

On going through the writ application, it appears the petitioner is claiming compensation for use of his land by the respondent for erection of transmission tower and stringing work.

Mr. Harendra Kumar Tiwary, who has appeared on behalf of the Power Grid Corporation (for short “The Corporation”) submitted that the Corporation is a licensee within the meaning of Section 164 of the Indian Electricity Act, 2003 read with Section 10(2) of the Indian Telegraph Act. The owner of the land is entitled to payment of one time compensation towards the damage of crops. In the present case, the same was assessed and a sum of Rs. 88,111/-



was found payable to the petitioner, which was tendered on 16.08.2013, which has not been received by the petitioner. Any dispute relating thereto can be raised before the District Magistrate under Section 17(2) of the Indian Telegraph Act. The petitioner himself stated in paragraph 19 that the case at his instance the matter is pending before the Collector, who has not passed the final order. He also points out that there is a serious dispute with regard to the ownership of the land as one Mr. Arun Kumar Sahi served a notice on the respondent Corporation claiming compensation for the crops damage. This is an issue which can be raised before the District Magistrate.

Considering the pleadings made in the writ petition and the submissions made by Mr. Tiwary, the application stands disposed of with an observation that the pending case of the petitioner before the respondent District Magistrate shall be disposed of, if not already disposed of, in accordance with law, as quickly as possible, preferably within five weeks from the date of receipt/production of a copy of this order before the said respondent.

(Kishore Kumar Mandal, J)

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