

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7367 of 2013

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1. Arbind Singh @ Arbind Kumar Son Of Late Bishundeo Singh Resident Of
Village - Manoharpur Kachhuara, P.S. - Gopalpur, Dist - Patna

.... Petitioner/s

Versus

1. Power Grid Corporation Of India Ltd, Patna, Purbi Mukhyalaya At Alankar
Palace, East Boring Road, P.S. - Budhha Colony, Dist - Patna Through Its General
Manager, Transmission

2. District Magistrate, Patna

3. General Manager Transmission, Power Grid Corporation Of India, Purbi
Mukhyalaya At Alankar Place, East Boring Road, P.S. - Buddha Colony, Dist -
Patna

4. Additional General Manager, Transmission , Power Grid Corporation Of India,
Purbi Mukhyalaya At Alankar Palace, East Boring Road, P.S. - Buddha Colony,
Dist - Patna

5. Deputy General Manager, Transmission , Power Grid Corporation Of India,
Purbi Mukhyalaya At Alankar Palace, East Boring Road, P.S. - Buddha Colony,
Dist - Patna

6. Senior Engineer (C.E.), Power Grid Corporation Of India, Purbi Mukhyalaya At
Alankar Palace, East Boring Road, P.S. - Buddha Colony, Dist - Patna

7. Santosh Kumar Singh, Manager, I.V.R.C.L. Company Office At Mohalla, Sri
Krishnapuri, Sahdeo Marg In The Building Of Patliputra Netradhan Eye Hospital
And Research Centre, Pvt. Ltd. P.S. - Buddha Colony, Dist - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjee Kumar Singh
Mr. Jyoti Ranjan Jha

For the Respondent/s : Mr. Sunil Kumar Mandal, S.C.-24
Mr. Harendra Kumar Tiwary.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-02-2016

Heard.

The petitioner assails in this writ application the order
dated 14.12.2012 passed by the District Magistrate, Patna in Misc.
Case No. 3/2010-11.

Petitioner possessed agricultural land. The respondent
installed electric pole for transmission of high tension wire on the said



plot. According to the relevant provisions of the Indian Telegraph Act, the owner is entitled to one time compensation for such use of the land. The petitioner, aggrieved thereby, filed a title suit vide Title Suit No. 467 of 2007. The interim injunction prayed in the said suit was rejected and was upheld up to Hon'ble Supreme Court. Unrelenting petitioner thereafter filed a writ petition vide C.W.J.C. No. 11922 of 2010. This Court by a proceeding dated 23.07.2012 (Annexure-1), noticing the case of the parties as also the history of the previous litigation including the order passed by the Apex Court on S.L.P.(Civil) No. 7847 of 2010, declined to grant any relief permitting the petitioner to agitate his claim before the District Magistrate under Section 17 of the Telegraph Act. In consequence thereof, a claim was filed before the District Magistrate vide Misc. Case No. 3 of 2010-11. The District Magistrate, on a consideration of the claim of the petitioner, dismissed the said application/objection of the petitioner observing as under:-

“The land is mainly used for cultivation of onion and vegetable. In my opinion, erection of tower and transmission line will not cause any damage to the petitioner.”

In my view, the aforesaid order does not merit to be interfered with by the Writ Court as no patent illegality has been committed by the respondent District Magistrate in passing the said

order for which reasons have been assigned. This Court, at this stage, would also notice that the suit filed by the petitioner is still pending before the Court.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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