

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1085 of 2017

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1. Sarita Devi, Wife of Krishna Kumar Paswan
2. Mohan Kumar, Son of Dhanraj Yadav
3. Sumitra Devi, Wife of Shyam Kishore Yadav All are Residents of Mohalla-Laxmi Sagar, Saidpur, P.O.-Darbhanga, P.S.-L.N.M.U., Darbhanga, District-Darbhanga.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Energy Govt. of India, New Delhi
2. The Power Grid Corporation of India through its Managing Director having its Office at Alankar Place, Boring Road, Patna
3. The Managing Director, Power Grid Corporation of India, Alankar Place, Boring Road, Patna
4. The South Bihar Power Distribution Company Limited through its Secretary having its Office at Vidyut Bhawan, Bailey Road, Patna
5. The Chairman, South Bihar Power Distribution Company Ltd. its Officer at Bidyut Bhawan, Bailey Road, Patna
6. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
7. The Commissioner, Darbhanga Division, Darbhanga
8. The District magistrate, Darbhanga.
9. The Block Development Officer, Bahadurpur Block, Darbhanga
10. The Circle Officer, Bahadurpur Block, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Kumar Rajeev, Advocate
For the Union of India : Ms Nivedita Nirvikar
For the BSPDCL : Mr Ritesh Kumar, Advocate
For the S t a t e : Mr Rakesh Ambastha, AC to AAG 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

It is seen that in the matter of a high tension tower and transmission line passing through the locality of the petitioners in question, a public interest litigation in exercise of jurisdiction under



Article 226 of the Constitution is not called for. These are matters technical in nature and it is for the competent authority to take action for laying out the transmission based on various technical and expert opinion based on evaluation of various factors administrative in nature and in absence of any statutory Rules, Regulations or enforceable rights being violated, this Court is not required to make any indulgence in the matter. Merely because it causes inconvenience to certain set of people, we cannot exercise jurisdiction under Article 226 of the Constitution.

However, if a statutory provision is available or the petitioners can avail the statutory remedy, if any, under the Telegraph Act or the Electricity Act, they are at liberty to take recourse to such remedy.

With the aforesaid liberty, we dispose of the writ petition.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2017
Transmission Date	NA

