

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4713 of 2014

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1. Raghunandan Prasad Yadav
 2. Maheshwari Prasad Yadav
 3. Bhuwaneshwar Prasad Yadav
 4. Tarni Prasad Yadav All Sons of late Ramadhin Yadav, resident of village - Bharatia, P.S. - Sour Bazar, District - Saharsa

.... Petitioner/s

Versus

1. The Power Grid Corporation of India Ltd. through Its Managing Director, New Delhi
2. The Managing Director, Power Grid Corporation of India Ltd., New Delhi
3. The Bihar State Power Holding Company Limited through its Managing Director, Bihar, Patna
4. The Managing Director, The Bihar State Power Holding Company Limited , Bihar, Patna
5. The State of Bihar Through the District Magistrate, Saharsa
6. The Gammon India Private Limited, through its respective Camp Office Saharsa, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. J. S. Arora, Sr. Advocate
For the Power Grid Corporation	: Mr. J.P. Singh, Sr. Advocate
	: Mr. Arbind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date: 07-02-2017

Heard learned counsel for the parties.

The writ petition has been filed by the petitioners seeking shifting of the transmission lines passing over their lands.

Learned counsel for the petitioners submitted that the said laying of the line could have been done on adjacent land which was more appropriate and erroneously the lines have been laid over their lands. It was further submitted that the lands, without



having been acquired in accordance with law, have been used for constructing the towers and no compensation has been paid either for taking the lands or for the damage caused. Learned counsel submitted that laying of the transmission line without the approval of the government is not permissible and a formal order is required in terms of Section 68(1) of the Electricity Act, 2003 (hereinafter referred to as the 'Act') which, in the present case has not been done and thus, any subsequent action of actual laying of the lines becomes illegal.

Learned counsel for the Power Grid Corporation referred to the agreement, copy of which has been annexed in his counter affidavit to show that the same has been entered into between the Power Grid Corporation of India Limited; Bihar State Electricity Board; Ministry of Power, Government of India and the Government of Bihar in which Power Grid Corporation has been authorized to undertake construction/implementation of the sub-transmission system, pursuant to which the lines were laid. Thus, he submitted that the requirement of Section 68(1) of the Act stands fulfilled. However, with regard to compensation, he clearly submitted that no compensation has been paid as there has been no demand by the petitioners indicating as to what damage/loss has been caused. He took a categorical stand that if the petitioners file appropriate representation before the respondent no. 2, the same shall be looked



into and appropriate orders passed and if any compensation is required to be paid, the same shall also be paid forthwith.

In view thereof, the writ petition stands disposed off with liberty to the petitioners to file appropriate representation before the respondent no. 2 within four weeks from today, along with a copy of this order. If the same is filed, the respondent no. 2 shall look into the matter and if necessary, get an enquiry conducted in the presence of the petitioners and pass appropriate orders within two months thereafter. If any amount is found payable to the petitioners, the same shall be paid within four weeks thereafter.

(Ahsanuddin Amanullah, J)

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