

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2545 of 2016

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Kashi Nath Singh, son of Sri Ram Raj Singh, resident of Village Kalani, P.S. Ramgarh, District Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Kaimur at Bhabua
3. The Sub Divisional Officer, Mohania, District Kaimur at Bhabua
4. The Circle Officer, Ramgarh, District Kaimur at Bhabua
5. The Executive Engineer, Electricity Department, Bhabua, District Kaimur at Bhabua
6. The Assistant Electric Engineer, Electricity Department Ramgarh, Bhabua, District Kaimur at Bhabua
7. The Junior Electric Engineer, Electric Supply, Block Ramgarh, District Kaimur at Bhabua
8. The Charge Project Manager, R.M.S. Atomesan, Bhabua, District Kaimur at Bhabua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.N. Choubey, Sr. Advocate
Mr. Ashok Kumar Garg

For the State : Mr. Indradeo Prasad- SC27
Mr. V.R. Choudhary, AC to SC 27

For Electricity Board : Mr. Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-10-2017

Heard the parties.

In the present case at the beginning it has been submittd by learned counsel for the petitioner that petitioner was/is not opposing the established of the electric sub-station but requesting to shift at an alternative site and if this plot is used in that circumstances the students or the small kids will be deprived of the playground as well as the people of the locality will also be deprived of the ground where Ram Leela is played.



Learned counsel for the Power Holding Company submits that already power sub-station has been established and it is land of the government has been allotted by the Collector for construction of the same.

Learned counsel for the petitioner submits that there is already a litigation before the Consolidation Court where Consolidation Court has passed the order of injunction to use the land.

Establishment of electric sub-station is for public purposes. If order is passed in favour of any person he will be at liberty to claim the amount of compensation.

This Court does not find that establishment of sub-station is not in public interest but when the question of competing right arises preference will be given to public right over the right of private person. In such view of the matter, this Court does not find any merit in the present writ petition.

Accordingly this writ petition is dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
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