

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18622 of 2016**

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Shakti Dhar Prasad Rastogi, Son of Late Kishri Lal Rastogi, resident of  
village - Chhoti Balia Bazar, P.O. & P.S. Lakhminiya, District - Begusarai  
.... .... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Energy, Government of Bihar, Patna
2. Power Grid Corporation of India Limited, A Government of India Enterprise, through its Chairman - Cum - Managing Director, 5th Floor, Alankar Place, Patna
3. The Executive Director, Power Grid Corporation of India Limited, 5th Floor, Alankar Place, Patna
4. The Manager ( TL ), Power Grid Corporation of India Limited, Begusarai.
5. The Bihar State Power ( Holding ) Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman - Cum - Managing Director
6. The Electrical Superintending Engineer ( Transmission ), North Bihar Power Distribution Company Limited, Purnea
7. The Bihar State Power Transmission & Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director
8. The Electrical Executive Engineer ( Transmission & Distribution ), Bihar State Power Transmission & Distribution Company Limited, Begusarai
9. The Assistant Electrical Engineer - Cum - S.D.O., Balia Grid Sub Station, Begusarai
10. M/s Bajaj Electricals Limited, Subhas Chowk, P.O. & P.S. Begusarai, District Begusarai

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv.

For the Respondent

Power Grid Corporation: Mr. Arbind Kumar Singh, Adv.

For respondents no.5 to 9 : Mr. Ritesh Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

3      02-02-2017                      Heard Mr. Sumit Kumar Jha, learned counsel for the  
  
petitioner, learned counsel for the State, Mr. Ritesh Kumar,  
  
learned counsel appearing for the Power Company and Mr. Arbind  
  
Kumar Singh, learned counsel for the Power Grid Corporation of  
  
India.



The petitioner prays for an appropriate writ in the nature of mandamus to the Bihar State Power (Holding) Company Ltd. as well as Power Grid Corporation of India Ltd. to refrain from installing high power transmission towers over his land.

It is the complaint of the petitioner that even though there is an alternative route available for the respondents, yet they are installing towers which would render the land useless.

While learned counsel for the Corporation informs that they have no role in such installation, Mr. Ritesh Kumar, representing the Bihar Power Holding and Distribution Company as well as Power Distribution Company with reference to the counter affidavit submits that the route is determined in advance which the Company follows. He submits that the suggestion made by the petitioner on the alternative route, is not feasible for passes through densely populated area. Learned counsel has referred to the judgment of the Supreme Court in Civil Appeal No. 10951/2016 (**Power Grid Corporation of India vs. Century Textiles & Industries Ltd. & ors.**) and analogous cases to submit that the right of Power Companies has been recognized for installation of transmission lines and although liberty has been reserved for the land holders but the judgment taking note of the provisions of Indian Telegraph Act, 1885, the Electricity Act,



2003 as well as Work of Licensees Rules, 2006, has upheld the right of Power Companies for such installation.

In the circumstances discussed and in view of the judgment of the Supreme Court relied upon by the learned counsel for the Power Company, no cause for indulgence is made out and the writ petition is disposed of accordingly.

The petitioner, if so advised, can approach the District Judge concerned for claiming compensation in terms of the liberty granted by the Supreme Court present at paragraph- 26 of the judgment.

**(Jyoti Saran, J)**

Surendra/-

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