

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.467 of 2016
IN
Civil Writ Jurisdiction Case No. 7367 of 2013**

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

.... Appellant/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 Palace, East Boring Road, P.S.- Budhha Colony, Dist- Patna.
4. Additional General Manager, Transmission, Power Grid Corporation of India, Purbi Mukhyalaya at Alankar Palace, East Boring Road, P.S.- Budhha Colony, Dist- Patna.
5. Deputy General Manager, Transmission, Power Grid Corporation of India, Purbi Mukhyalaya at Alankar Palace, East Boring Road, P.S.- Budhha Colony, Dist- Patna.
6. Senior Engineer (C.E.), Power Grid Corporation of India, Purbi Mukhyalaya at Alankar Palace, East Boring Road, P.S.- Budhha 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 Appellant/s : Mr. Dhananjai Kumar Singh, Advocate

For the Respondent/s : Mr. Sunil Kumar Mandal- SC24

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2017

Seeking exception to an order dated 4.2.2016 passed
by the learned Writ Court in C.W.J.C. No.7367 of 2013, dismissing
the writ petition filed by the petitioner, this appeal has been filed



under Clause 10 of the Letters Patent.

Land of the petitioner was utilized for the purpose of laying down a high tension electric wire and action was taken under the Indian Telegraph Act, 1885. Proceedings were held in the year 2010 and since 2010, various writ petitions were filed and finally the matter was settled by holding that in laying down the wire through the land of the petitioner, no error has been committed. However, seeking shifting of the tower by virtue of the provisions of Section 17 of the Indian Telegraph Act, petitioner sought indulgence of this Court and this Court directed the District Magistrate to look into the matter. The same having been rejected, the writ petition was filed. The learned Writ Court examined various aspects of the matter and rejected the claim.

On going through the counter affidavit filed by respondents 1 and 3 to 5, we find that the matter has been considered at various levels. More than two writ petitions, Letters Patent Appeal and a Special Leave Petition have been held and now finding that the order passed for laying down the line had become absolute after the Supreme Court dismissed S.L.P.(Civil) No.7847 of 2010, now after so many years when the line has been constructed the provisions of Section 17 for shifting of the line cannot be invoked. An objection is raised by the respondents.



We find that after so many years shifting of the line in question cannot be possible and taking note of the relevant provisions the competent statutory authority has refused to interfere into the matter. No further indulgence can be made now in the extra ordinary jurisdiction under Article 226 of the Constitution and in dismissing the writ petition the learned Writ Court has not committed any error warranting re-consideration.

The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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