

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14186 of 2015

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Ashok Kumar Singh S/o Late Phuldeo Singh, Resident of Village - Ramtomaha,
P.S. Minapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Patna.
2. The Chairmn - cum -Managing Director, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road Patna.
3. The Managing Director, Bihar State Power Transmission Company Ltd. 4th Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager - cum - Chief Engineer, Tansmission Zone - II, Bihar State Power Transmission Company Ltd., Bhikhanpura, Muzaffarpur.
5. The Electrical Superintending Engineer, Transmission Zone - II, Transmission Circle, Bihar State Power Transmission Company Ltd., Muzaffarpur.
6. The Electrical Executive Engineer, Transmission Zone - II, Transmission Circle, Bihar State Powr Transmission Co. Ltd., Muzaffarpur.
7. The Electrical Assistant Engineer, Transmission Zone - II, Transmission Circle, Bihar State Power Transmission Co., Ltd., Muzaffarpr.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K. Jain, Adv.
Mr. Pradeep Kumar Sinha, Adv.
Smt. Poonam Srivastava, Adv.

For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 11-07-2017

Heard learned counsel for the petitioner and counsel for
the State.

In the present case, the petitioner has raised a claim for
compensation of Rs. 25 lacs as having said that this plot of Khata No. 27,
Plot No. 1614, area 3 ¼ decimal as well as Khata No. 27, Plot No. 1627,
area 4 ½ decimal has been acquired by the respondent Company for
establishing the electric pole of 220 K.V. Transmission Line.



Electrification is the national need and different companies have been authorized for electrification of the rural as well as urban areas. It is well-known that India is an energy deficient country, notwithstanding rapid expansion in this direction in the last few years, and particularly after the entry of private sector, insofar as production of electricity is concerned, there are many households where lighting of even electrical bulb is a dream. Moreover, the socio-economic development of the country depends on this critical infrastructure. Keeping in view these parameters, one of the objectives of the State is to make available the energy to remote areas.

The land of the petitioner has been utilized only for the purpose of establishment of electrical tower for electrification of the area concerned. The petitioner has submitted that the land, which has been acquired for establishing the electric pole, is meant for the residential purpose, either the company should release the land or should pay compensation which comes to Rs. 25 lacs in terms of the market value of the land of the area concerned.

Learned counsel for the petitioner submits that he has already filed an application before the General Manager, Transmission Zone-II, Bihar State Power Transmission Company Ltd., Bhikanpura, Muzaffarpur, making a statement that he has purchased the land for the purpose of construction of the house but, that has been occupied. Only request has been made if they want to establish the pole, he must be compensated at the market rate of the land.



In the counter affidavit, in paragraph no.7, the Power Distribution Company has accepted that the petitioner is entitled to compensation for the payment of the land which has been utilized for the purpose of establishment of the electrical tower. When the plot of a citizen is acquired or utilized either by the Government or Government Agency, it will have to pay the compensation to the person whose land has been acquired or utilized for the purpose of establishment of the electrical tower.

The issue of payment has already been dealt with by the Hon'ble Supreme Court in the case of *The Power Grid Corporation of India Limited Vs. Century Textiles & Industries Limited and Ors.* reported in 2017 (2) PLJR 152 wherein the Hon'ble Apex Court has dealt with the issue with regard to establishment of electrical tower at different places. The Court is of the view that if electrification is necessary for the enhancing the quality of the life of general citizen and the Court has also held that the person, whose land has been utilized or acquired for the purpose of establishment of the tower, they are entitled to compensation and if the person, whose land has been acquired, would not find the compensation sufficient, he may approach to the District Judge of the area concerned and the District Judge will be obliged to adjudicate the grant of compensation to which the petitioner is entitled.

In this case, there is no doubt that the land of the petitioner has been acquired, this Court directs the North Bihar Power Distribution Company Limited to make payment of compensation to the petitioner. While computing compensation, it will be kept in mind that the



compensation will be calculated at the market rate prevalent in the area concerned. If the petitioner would find that the amount is not sufficient, he will be at liberty to approach to the District Judge for his grievance and he will adjudicate the dispute and pass orders in accordance with law.

Let the petitioner should file an application within a period of three weeks from today. If he files an application, the General Manager of the North Bihar Power Distribution Company Limited will adjudicate and direct for payment to the petitioner within a period of three months from the date of filing of the application along with a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2017
Transmission Date	NA

