

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3192 of 2015

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Krishnandan Prasad, Son of Late Lala Prasad, Resident of Mohalla- Professor Colony, Dhaneshar Ghat, Biharshairf, P.S. Biharshairf, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Chief Managing Director, Power Grid Corporation of India Ltd, New Delhi.
3. The Project Director, Power Grid Corporation of India Ltd., New Delhi.
4. The Executive Director, Regional Office, Power Grid Corporation of India Ltd., Patna.
5. The Chief Manager, Power Grid Corporation of India Ltd., Sub Station, Biharsharif, Nalanda.
6. The District Magistrate, Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate
For the Respondent-State : Mr. AC to AAG-8
For Power Grid Corporation : Mr. Janardan Pd. Singh, Sr. Adv. with
Mr. Arbind Kumarr, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-01-2017

Heard Mr. Indu Bhushan, learned counsel appearing for the petitioner and Mr. Janardan Prasad Singh, learned senior counsel appearing for the Power Grid Corporation of India Limited.

While the petitioner had moved this Court through the present proceeding seeking to restrain the respondent Corporation from installation of high tension wire over the residential land of the petitioner but when the matter is taken up it is admitted by Mr. Indu Bhushan, learned counsel for the petitioner that the transmission line has already been energized.

Mr. Janardan Prasad Singh, learned senior counsel appearing for the Power Grid Corporation of India Limited while



placing reliance on paragraph 26 of the judgment in **Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited** arising from Civil Appeal No.10951 of 2016 and other analogous cases has submitted that the right of the Transmission Company for such installation has been recognised and saved. While admitting that the Supreme Court has also along side granted liberty to the party aggrieved, to raise claim for compensation before the learned District Judge, he submits that the forum for the petitioner would be the District Judge.

In view of the position reflecting from paragraph 26 of the judgment of the Supreme Court referred to above together with the liberty granted therein and taking note of the fact that the transmission line has already been energized, I deem it fit and proper to dispose of the writ petition leaving it open for the petitioner if so advised, to raise his claim for compensation before the learned District Judge.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25-01-2017
Transmission Date	NA

