

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2985 of 2015

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1. Bhup Narayan Sinha, S/o Late Sheo Shankar Singh.
 2. Prabhat Kumar Singh, S/o Bhup Narayan Singh.
- Both are R/o 2H-102, Bhootnath Road, Bahadurpur Housing Colony,
Patna-800026.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Power & Energy, Government of India, New Delhi.
2. The State of Bihar through the District Magistrate, Muzaffarpur.
3. The Chairman, Powerlinks Transmission Ltd. Regd. & Corporate Office 10th Floor, DLF Tower-A, District Centre- Jasola, New Delhi-110025.
4. Sr. Manager (O & M), Powerlinks Project & Operation Office- Muzaffarpur, Village- Kanhauli Vishnudatt, Rahua Road, PO- R.K. Ashram, Bela, Muzaffarpur, Bihar-843116.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Anjani Prasad Singh, Adv.
For the Respondent-State	: Mr. Niraj Kumar, AC to GA-10
For the Power Link Co. Ltd.	: Mr. Harendra Kumar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-01-2017

Heard Dr. Anjani Prasad Singh, learned counsel appearing for the petitioners, learned counsel for the Union of India, learned counsel for the State of Bihar and Mr. Harendra Kumar Tiwary, learned counsel for the Power Link Transmission Company Limited and its authorities.

In the nature of the order which this Court proposes to pass it would not require to delve deep into the merits of the case. Suffice it to say that the petitioners are aggrieved by the action of the respondent Transmission Company in making use of his land



situated in Village-Bishunpur Govind @ Tautania, Thana No.316 and Mansurpur Chamara, Thana No.315, Anchal- Aanti, in the district of Muzaffarpur for the purpose of installation of transmission lines.

The petitioners claim payment of compensation under the Electricity Act, 2003 (hereinafter referred to as 'the Act') and which claim of the petitioners has been rejected by the Senior Manager (O & M), Power Links Transmission Ltd, Muzaffarpur on grounds that the 'Act' does not conceive payment of compensation for use of land except standing crops, trees etc. and the petitioners feeling aggrieved are before this Court.

When this matter was taken up for consideration, counsel for the Transmission Company informed that similar issue came up for consideration in this Court in the case of Ram Naresh Singh and while his claim was allowed by the Writ Court and affirmed by the Division Bench in the judgment reported in **2011(2) PLJR 1030 (Power Grid Corporation of India Limited vs. Ram Naresh Singh)** when the appeal preferred by the Power Grid Corporation of India was dismissed in consideration of the provisions of 'the Act' and the Works of Licensee Rules, 2006 but the judgment of the Division Bench has been upset by the Supreme Court in Civil Appeal No.8951 of 2011 filed by the Power Grid



Corporation, which was heard analogous with Civil Appeal No.10951 of 2016 and other analogous cases.

According to the learned counsel for the Transmission Company, the Supreme Court while upholding the right of the Transmission Company for any such installation has granted liberty to the persons aggrieved to move the District Judge for his claim for payment of compensation. He submits that the right of the Transmission Company has been tested in the backdrop of the provisions of the Works of Licensee Rules, 2006, section 10 of the Indian Telegraph Act, 1885 and section 164 of the Electricity Act, 2003.

It is enabling the parties to examine the judgment that the matter was adjourned and is taken up today when learned counsel for the parties are in agreement that the issues raised stands covered by the judgment of the Supreme Court. Appreciating the circumstances, learned counsel for the petitioners prays for disposal of the writ petition seeking liberty for the petitioners to move the learned District Judge for payment of compensation in the light of the liberty granted by the Supreme Court in the case of the **Power Grid Corporation of India Limited vs. Century Textiles & Industries Limited** arising from Civil Appeal No.10951 of 2016 and analogous cases including Civil Appeal No.8951 of 2011 which



arises from the Division Bench judgment of this Court rendered in the case of **Ram Naresh Singh** (supra).

Having heard learned counsel for the parties and in view of the legal position settled coupled with the liberty so granted by the Supreme Court to the aggrieved landholders to seek compensation before the learned District Judge in the light of the provisions underlying rule 16(c) of the Indian Telegraph Act, 1885, the order passed by the Senior Manager (O & M) of the Power Links Transmission Limited, Muzaffarpur impugned at Annexure-12 becomes unsustainable and is accordingly quashed and set aside.

The writ petition is allowed with the liberty so prayed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	26-01-2017
Transmission Date	NA

