

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14443 of 2009

1. Ashok Kumar, son of Ram Ratan Yadav
2. Ramdeo Bind, son of Late Chehedi Bind
3. Lalan Bind, son of Gopi Bind
All residents of Vill-Maya Bigha, P.S-Ghoshi, Distt- Jehanabad

.... Petitioners

Versus

1. The State Of Bihar through Principal Secretary, Department of Energy, Government of Bihar, Patna
2. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Engineer In Chief Transmission, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Chief Engineer (Transmission) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
6. The Superintending Engineer, Transmission Circle, Patna
7. The District Magistrate Jehanabad
8. The Land Acquisition Officer, Jehanabad
9. The Executive Engineer, Jehanabad Division, Jehanabad
10. The Power Grid Corporation of India Ltd., Eastern Region, through its Executive Director, Boring Road, Patna.
11. The Chief Manager, Power Grid Corporation of India Ltd, 400/200 KV S.S., Bihar Sharif, District Nalanda.

.... Respondents

Appearance :

For the Petitioners : None
For the Resp. Power Grid Corporation : Mr. Harendra Kumar Tiwary, Advocate
For the BSEB : Mr. Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 08-11-2017

The present writ petition has been filed for a direction to the respondents not to erect the transmission line from the village of the petitioners especially from their lands wherein on some of the plots their



houses are existing and they use to reside therein more so when the lands of the petitioners have neither been acquired by the respondents nor any compensation for the said lands have been given to them.

2. None appears on behalf of the petitioner despite repeated calls.

3, Learned counsel for the Power Grid Corporation of India Ltd. (respondent nos. 10 and 11) submits that the issue in question is no longer *res integra*. By order dated 01.12.2011 this case was directed to be placed after disposal of SLP No. 14939 of 2011 and Civil Appeal No. 8342 of 2009. It is submitted that the decision of the Apex Court dated 14.12.2016 is now reported in 2017 (2) PLJR (SC) 152 (The Power Grid Corporation of India Ltd., vs. Century Textiles & Industries Limited and others), wherein the appeal by the Power Grid Corporation has been allowed and the judgment of this Court stands set aside.

4. Pursuant to the above, a Division Bench of this Court in LPA No. 1791 of 2011 (The Power Grid Corporation of India Ltd., vs. Madan Mohan Lal Das and others) and analogous LPA No.1802 of 2011, has held as follows :

"3. From the aforesaid, it is clear that the judgment rendered in the case of Ram Naresh Singh (supra) has been quashed by the Supreme Court and liberty has been granted to the petitioner therein to get the issue settled by approaching the District Judge as indicated therein. That being the order passed by the Supreme Court and once the learned Writ Court has decided the writ petition in the light of the law laid down in the case of Ram Naresh Singh (supra), these appeals are also liable to be allowed., the order passed by the Writ Court quashed and the liberty granted to the respondents



petitioners in the original writ petitions to take recourse to the remedy of approaching the District Judge as granted by the Supreme Court.

4. Accordingly, we allow these appeals, quash the orders dated 25.7.2011 passed in CWJC No. 11195 of 2010 and 3996 of 2010 and grant liberty to the petitioners therein to proceed in the matter as indicated hereinabove.”

5. In the above view of the matter, the present writ petition is disposed of in line with and on the same terms as LPA No. 1791 of 2011 (The Power Grid Corporation of India Ltd., vs. Madan Mohan Lal Das and others) and analogous LPA No.1802 of 2011.

(Vikash Jain, J)

Chandran/BT

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