

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1474 of 2015

IN

Civil Writ Jurisdiction Case No. 6487 of 2015

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Suresh Kumar Pandey S/o - Sri Ram Sawarath Pandey R/o Village + P.O. -
Lauriya, P.S. - Govindganj, District - East Champaran, Motihari.

.... Appellant

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Bihar State Power Transmission Company Limited, 4th Floor, Vidyut Bhawan, Bailey Road, Patna - 1.
3. The Managing Director, Bihar State Power Transmission Company Limited, East Champaran, Motihari.
4. The District Magistrate, East Champaran, Motihari.
5. The Executive Engineer, Bihar State Power Transmission Company Limited, East Champaran, Motihari.
6. The Superintending Engineer, Bihar State Power Transmission Company Limited, East Champaran, Motihari.

.... Respondents

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Appearance :

For the Appellant : Mr. Vishwajeet Kumar Mishra, Advocate

For the Respondents : Mr. Gyan Shankar, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

I.A. No. 6547 of 2015 is allowed. The delay of 15 days
is condoned. Matter is heard on the merits as well.

The petitioner moved the High Court by filing C.W.J.C.
No. 6487 of 2015 against the decision of the power transmission
company to set up a tower for power transmission. Grievance of the
petitioner was, who also happens to be the appellant here, that such a
tower was being set up without his consent and that too in a
residential part of the land. They can very well adopt an alternative



route and line and save the petitioner from the discomfort, which he is facing due to the laying down of the transmission line.

The matter was heard by the learned single Judge. He took note of the provisions of Section 164 of the Electricity Act, 2003 read with Section 10 of the Indian Telegraph Act, 1885 and came to a conclusion that the respondents could not be debarred from setting up such a transmission line. However, the petitioner/appellant could claim suitable cost or compensation under Section 10(d) of the Telegraph Act.

Since the law has been correctly spelt out by the learned single Judge, no interference is warranted in the appeal.

Letters Patent Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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